DIRECTORS' MEETING MONDAY, JANUARY 9, 2006 - 11:00 A.M. CONFERENCE ROOM 113

I. MAYOR

- *1. VETO MESSAGE from Mayor Coleen Seng RE: Bill No. 05-161 for a change of zone on property generally located at 2100 K Street and 05R-289 a zoning agreement associated with a change of zone at 21st and K Streets (See Letter)
- *2. NEWS ADVISORY RE: Mayor Coleen Seng and representatives of the Lincoln Area Agency on Aging will discuss the federal government's new Medicare prescription drug program (Part D) at a news conference at 9:45 a.m. on 12/22/05 (See Advisory)
- **3. NEWS RELEASE RE: Mayor Releases Study On Improving
 Development Process Mayor will appoint implementation group-(Council received this Release in their Thursday packets on 12/22/05) (See Release)
- **4. NEWS RELEASE RE: Assistance Available On Medicare Prescription Drug Program Family members urged to help older citizens access online information-(Council received this Release in their Thursday packets on 12/22/05) (See Release)
- **5. NEWS ADVISORY RE: Mayor Seng's Public Schedule Week of December 24-30, 2005-Schedule subject to change -(See Advisory)
- **6. NEWS RELEASE RE: 21 Educational Access To Air London Parade Featuring Lincoln Southwest Band -(See Release)
- **7. NEWS RELEASE RE: Work To Restore Bur Oak Trees Continues In Wilderness Park -(See Release)
- **8. NEWS RELEASE RE: City To Recycle Trees For 19th Year -(See Release)
- **9. Washington Report December 22, 2005.

- 10. NEWS ADVISORY RE: Mayor Seng's Public Schedule Week of December 31, 2005 through January 6, 2006-Schedule subject to change (See Advisory)
- 11. NEWS RELEASE RE: Nominations Now Accepted For Arts Awards. Four new awards created (See Release)

II. DIRECTORS

FINANCE/BUDGET

**1. Material from Steve Hubka - RE: December sales tax receipts -(See Material)

FINANCE/CITY TREASURER

*1. Monthly City Cash Report & Pledged Collateral Statement for November 2005 -(See Report)

PLANNING

- **1. E-Mail from Marvin Krout RE: Planning Department goals for 2006-(See E-Mail)
- **2. Response E-Mail from Jean Walker to Sarah Bettens RE: Council/ Planning Commission Agendas -(Response to Item #14 under Miscellaneous) (See E-Mail)
 - 3. Letter from Joe Rexwinkle to Michael R. Johnson, R.L.S., Olsson Associates RE: Branker Addition Final Plat #05119-Generally located at N. 48th & R Streets -(See Letter)

PLANNING COMMISSION FINAL ACTION

- **1. Special Permit #05050, Hunters Pointe Townhomes CUP (N. 20th & Superior Streets) Resolution No. PC-00973.
 - 2. Special Permit #1114D, (Pheasant Run Community Unit Plan Amendment 6501 Pheasant Run Court) Resolution No. PC-00974.

PUBLIC WORKS & UTILITIES

- *1. Memo & Material from Margaret Remmenga RE: Lincoln Water & Wastewater Systems Fiscal Year 2004-05 Audits -(Reports on file in the City Council Office)(See Material)
- **2. Response Letter from Bill Nass to Cindy York RE: Taylor Meadows curb repair -(See Material)

WEED CONTROL AUTHORITY

1. Combined Weed Program - City of Lincoln - December 2005 Monthly Report .

III. CITY CLERK

IV. COUNCIL

A. COUNCIL REQUESTS/CORRESPONDENCE

JON CAMP

- *1. E-Mail from Lynn Minch sent to Jon Camp RE: Wal-Mart (See E-Mail)
- *2. Response E-Mail from Jon Camp to Coby Mach, LIBA RE: Performance Auditor (See E-Mail)

ROBIN ESCHLIMAN

1. Request to Lynn Johnson, Parks & Recreation Director - RE: Center lanes being painted on bike trails (RFI#2 - 11/09/05)

PATTE NEWMAN

 Request to Marc Wullschleger & Wynn Hjermstad, Urban Development/ Marvin Krout & Ed Zimmer, Planning Department - RE: Triplets-serious concerns over the future of Whittier School (RFI#37 - 11/23/05). —
 SEE RESPONSE FROM MARC WULLSCHLEGER, URBAN DEVELOPMENT DIRECTOR RECEIVED ON RFI#37 - 12/05/05.

V. MISCELLANEOUS -

- *1. E-Mail from Susan Schulte RE: 84th & Adams -(See E-Mail)
- *2. E-Mail from Wayne Simpson RE: Wal-Mart (See E-Mail)
- *3. E-Mail from Roy & Carolyn Wolgamott RE: Sid Dillon lighting -(See E-Mail)
- *4. E-Mail from Jim Johnson RE: Pass the Floodplain standards -(See E-Mail)
- *5. E-Mail Letter & Material from LIBA RE: Performance Auditor -(See Material)
- *6. E-Mail from Lynn Kaufmann, A driver education instructor RE: Failure to pass driving ordinance-(See E-Mail)
- *7. E-Mail from Lt. Col. Joseph W. Johnson, Jr., USAF Retired RE: Ambulance Service (See E-Mail)
- *8. E-Mail from Thomas A. Duden, Human Resources Manager, Design Data Corporation RE: Design Data 14th & Old Cheney Road -(See E-Mail)
- *9. Letter from M.A. Christensen RE: Council struggling with increasingly complex issues -(See Letter)
- **10. E-Mail from Jerry Follett RE: New Wal-Mart store -(See E-Mail)
- **11. E-Mail from Linda Cass RE: Wal-Mart -(See E-Mail)
- **12. E-Mail from Lynn Kaufmann RE: Correction to previous e-mail -(See E-Mail)
- **13. E-Mail from Larry Jablonski RE: Time Warner additional cost for ESPN high definition -(See E-Mail)
- **14. E-Mail from Sarah Bettens RE: Council/Planning Commission Agendas (Forwarded this E-Mail to Jean Walker, Planning Dept. & City Clerk Joan Ross)(See E-Mail)

- **15. Letter from Marcia Kinning, & Jill Schuerman, Brian D. Carstens & Associates RE: Upcoming changes that will have a significant impact on Carstens & Associates -(See Letter)
- **16. Letter & Material from Sharon Miller RE: Floodplain standards -(See Material)
- **17. E-Mail from Dave Engler, Vice President, Lincoln Firefighters Association RE: Budget -(See E-Mail)
- **18. Letter from Bonny Downing, CFAI, Program Coordinator, Commission on Fire Accreditation International, Inc. to Lincoln Fire & Rescue Chief Spadt RE: Inform you the Commission voted on 12/07/05, to approve the Statement of Findings completed by your team leader on your August 2005, Annual Compliance Report -(See Letter)
 - 19. E-Mail from Mary Jane Winquest RE: Floodplain Ordinance (See E-Mail)
 - 20. E-Mail from Ann Adams RE: Wal-Mart -(See E-Mail)
 - 21. E-Mail from Mary & James King RE: Floodplain Amendments -(See E-Mail)
 - 22. E-Mail from E. Wayne Boles RE: Orderly and Sustainable Growth -(See E-Mail)
 - 23. E-Mail from Richard K. Sutton, Landscape Architect RE: Flood Prone Areas -(See E-Mail)
 - 24. E-Mail from Wilbur Dasenbrock RE: Floodplain Ordinance Amendments -(See E-Mail)
 - 25. E-Mail from Michael Carlin, Friends of Wilderness Park RE: Floodplain Ordinances & Resolutions -(See E-Mail)
 - 26. E-Mail from Rosemary Thornton RE: Floodplain Ordinance -(See E-Mail)
 - 27. E-Mail from Russell Miller RE: Floodplain Ordinances & Resolutions (See E-Mail)

- 28. E-Mail from Laurie Farrow RE: Wal-Mart -(See E-Mail)
- 29. E-Mail from David Oenbring RE: Ambulance Service -(See E-Mail)
- 30. E-Mail from David Oenbring RE: Wal-Mart -(See E-Mail)
- 31. E-Mail RE: The Wal-Mart situation -(See E-Mail)
- 32. E-Mail from Bonnie Filipi RE: Wal-Mart (See E-Mail)
- 33. Letter & Resolution from Terry L. Bundy, LES RE: A revised Resolution implementing LES' rate increase and Power Cost Adjustment (PCA) (Council copies placed in their file folders on 1/04/06) (See Attached Material)
- 34. E-Mail from Walter A. Canney RE: He recent letter that he wrote to the Editor on the issue of a Northeast Wal-Mart (See E-Mail)
- 35. E-mail from Russell Miller RE: Flood Plain Ordinances (See E-Mail)
- 36. Letter from Aquila, Steven Pella, RE: Application with the Nebraska Public Service Commission requesting pilot project for new pricing option. (See Letter)

VI. ADJOURNMENT

*HELD OVER FROM DECEMBER 26, 2005. **HELD OVER FROM JANUARY 2, 2006.

da010906/tjg

lincoln.ne.gov

Date: December 30, 2005

NEBRASKA

Contact: Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Seng's Public Schedule Week of December 31, 2005 through January 6, 2006 Schedule subject to change

Wednesday, January 4

Lincoln Chapter of the National Organization for Women - 5:30 p.m., Women's Club, 14th and "L" streets

Friday, January 6

News Conference, topic and location to be announced - 10 a.m.



NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

OFFICE OF THE MAYOR

555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

FOR IMMEDIATE RELEASE: January 5, 2006

FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831

Deb Weber, Lincoln Arts Council, 434-2787

NOMINATIONS NOW ACCEPTED FOR ARTS AWARDS

Four new awards created

Nominations are now being accepted for the 28th annual Mayor's Arts Awards. The awards will be presented by the Lincoln Arts Council (LAC) the evening of Wednesday, June 7, 2006 at the Lied Center for Performing Arts.

The Mayor's Arts Awards program formally recognizes artistic contributions and achievements in the Lincoln area. Those wishing to nominate a project, organization or person may request a nomination form by calling the LAC at 434-2787 or printing a form from the LAC Web site, www.artscene.org. A list of previous winners also is available at that Web site. **The nomination deadline is February 17, 2006.**

LAC Executive Director Deb Weber said some changes have been made in the award categories, resulting in four new awards. They are:

- The Oliva Family "Arts for Kids" Award honors an individual from outside of the arts professions whose leadership has enhanced arts activities and experiences for children.
- The Artistic Achievement Award Performing Arts recognizes excellence and accomplishment in any of the performing arts.
- The Artistic Achievement Award Visual Arts recognizes excellence and accomplishment in any of the visual arts.
- The Artistic Achievement Award Youth recognizes excellence and accomplishment in any arts discipline by a young person age 18 or younger.

Nominations also are being accepted for these awards:

- The Halcyon Allsman Benefactor of the Arts Award honors an individual, family, organization or business for making significant financial contributions to the arts in Lincoln.
- The Arts Organization Award recognizes an arts group that has made significant contributions to Lincoln's arts community over a period of years.
- The Leadership Award recognizes an individual or organization for making a major overall impact on the arts in Lincoln.
- The Cultural Celebration Award recognizes artistic work that has fostered an appreciation of a specific culture or cultures through the arts.

Mayor's Arts Awards January 5, 2006 Page Two

The Literary Heritage Award recognizes a writer or individual who promotes excellence in writing and literature in Nebraska.

The Larry Enersen Award recognizes outstanding urban design in Lincoln.

The Heart of the Arts Award recognizes outstanding volunteer efforts on behalf of the arts.

The **Event of the Year Award** recognizes a performance, exhibition, event or project in 2005 that will be notable in the community memory for years to come The **Gladys Lux Education Award** recognizes special initiatives or dedication to arts education.

A Mayor's Choice Award also will be presented.

The public also is encouraged to submit names of members of the Lincoln arts community who have died since the last awards ceremony in June 2005 for memorial recognition at the event.



CITY OF LINCOLN NFBRASKA

MAYOR COLEEN J. SENG

lincoln.ne.gov

Lincoln-Lancaster County Planning Department Marvin S. Krout, Director Ion Carlson, Chair City-County Planning Commission 555 South 10th Street

Suite 213

Lincoln, Nebraska 68508 402-441-7491

fax: 402-441-6377

December 30, 2005

Michael R. Johnson, R.L.S. Olsson Associates 1111 Lincoln Mall Lincoln, NE 68508

Branker Addition Final Plat #05119 Generally located at N. RE: 48th & R Streets

Dear Mr. Johnson:

Branker Addition generally located at the northwest corner of N. 48th and R Streets was approved by the Planning Director on December 16, 2005. The plat and the subdivision agreement must be recorded in the Register of Deeds. The fee is determined at \$.50 per existing lot and per new lot and \$20.00 per plat sheet for the plat, and \$.50 per new lot and \$5.00 per page for associated documents such as the subdivision agreement. If you have a question about the fees, please contact the Register of Deeds. Please make check payable to the Lancaster County Register of Deeds. The Register of Deeds requests a list of all new lots and blocks created by the plat be attached to the subdivision agreement so the agreement can be recorded on each new lot.

Pursuant to § 26.11.060(d) of the Lincoln Municipal Code, this approval may be appealed to the Planning Commission and any decision of the Planning Commission to the City Council by filing a letter of appeal within 14 days of the action being appealed. The plat will be recorded with the Register of Deeds after the appeal period has lapsed (December 16 + 14 days) or December 30, 2005, and the recording fee and signed subdivision agreement have been received.

Sincerely.

Jóe Rexwinkle, Planner

441-6373

CC: Julian & Gladys Branker, Owners City Council Dennis Bartels, Public Works & Utilities Terry Kathe, Building & Safety Sharon Theobald, Lincoln Electric Jean Walker, Planning

File



PLANNING COMMISSION FINAL ACTION

NOTIFICATION

TO

Mayor Coleen Seng

Lincoln City Council

FROM:

Jean Walker, Plannin

DATE:

January 5, 2006

RE

Special Permit No. 1114D

(Pheasant Run Community Unit Plan amendment - 6501 Pheasant Run Court)

Resolution No. PC-00974

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, January 4, 2006:

Motion made by Strand, seconded by Carroll, to approve **Special Permit No. 1114D**, an amendment to the **Pheasant Run Community Unit Plan**, with conditions, requested by Gary McCown, for authority to reduce the rear yard setback from 20.4 feet to 19.5 feet and the side yard setback from 10 feet to 7.5 feet to allow an existing deck that encroaches on the setbacks, on property generally located at 6501 Pheasant Run Court.

Motion for conditional approval carried 8-0 (Krieser, Carroll, Esseks, Larson, Sunderman, Strand, Pearson and Carlson voting 'yes'; Taylor absent).

The Planning Commission's action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

Attachment

CC:

Building & Safety

Rick Peo, City Attorney

Public Works

Gary McCown, 6501 Pheasant Run Court, 68516

Terri Heckman, Colonial Hills N.A., 5621 Bison Court, 68516 Kathryn Dixon, Colonial Hills N.A., 6820 Bernese Blvd., 68516

RESOLUTION NO. PC-00974

SPECIAL PERMIT NO. 1114D

1	WHEREAS, Gary McCown has submitted an application designated as Special		
2	Permit No. 1114D for authority to amend Pheasant Run Community Unit Plan to reduc		
3	the rear yard setback from 20.4 feet to 19.5 feet and the side yard setback from 10 feet		
4	to 7.5 feet to allow an existing deck that encroaches on the setbacks, on property		
5	generally located at 6501 Pheasant Run Court and legally described as:		
6 7	Lot 3, Block 1, Pheasant Run 7th Addition, Lincoln, Lancaster County, Nebraska;		
8	WHEREAS, the Lincoln City-Lancaster County Planning Commission has held		
9	a public hearing on said application; and		
10	WHEREAS, the community as a whole, the surrounding neighborhood, and the		
11	real property adjacent to the area included within the site plan for this amendment to the		
12	community unit plan to reduce the rear and side yard setbacks will not be adversely		
13	affected by granting such a permit; and		
14	WHEREAS, said site plan together with the terms and conditions hereinafter		
15	set forth are consistent with the comprehensive plan of the City of Lincoln and with the		

intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public

health, safety, and general welfare.

16

17

NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County Planning Commission of Lincoln, Nebraska:

That the application of Gary McCown, hereinafter referred to as "Permittee", to amend Pheasant Run Community Unit Plan to reduce the rear yard setback from 20.4 feet to 19.5 feet and the side yard setback from 10 feet to 7.5 feet to allow an existing deck that encroaches on the setbacks be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction in said amended community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

- 1. This approval permits a rear yard setback of 19.5 feet and side yard setback of 7.5 feet for a deck as shown on the attached site plan for Lot 3, Block 1, Pheasant Run 7th Addition.
 - 2. Before receiving building permits

- a. The Permittee must provide a permanent final plat with five copies as approved to the Planning Department office for review and approval.
- b. The construction plans comply with the approved plans.
- 3. Before construction of the deck, all development and construction must comply with the approved plans.
- 4. All privately-owned improvements, including landscaping and recreational facilities, must be permanently maintained by the owner or an appropriately established homeowners association approved by the City.

1	5.	The site plan approved by this permit shall be the basis for all
2	interpretation	ns of setbacks, yards, locations of buildings, location of parking and
3	circulation el	ements, and similar matters.

- 6. This resolution's terms, conditions, and requirements bind and obligate the Permittee, his successors and assigns.
- 7. The Permittee shall sign and return the letter of acceptance to the City
 Clerk within 30 days following the approval of the special permit, provided, however,
 said 30-day period may be extended up to six months by administrative amendment.
 The clerk shall file a copy of the resolution approving the special permit and the letter of
 acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the
 Permittee.
- 8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

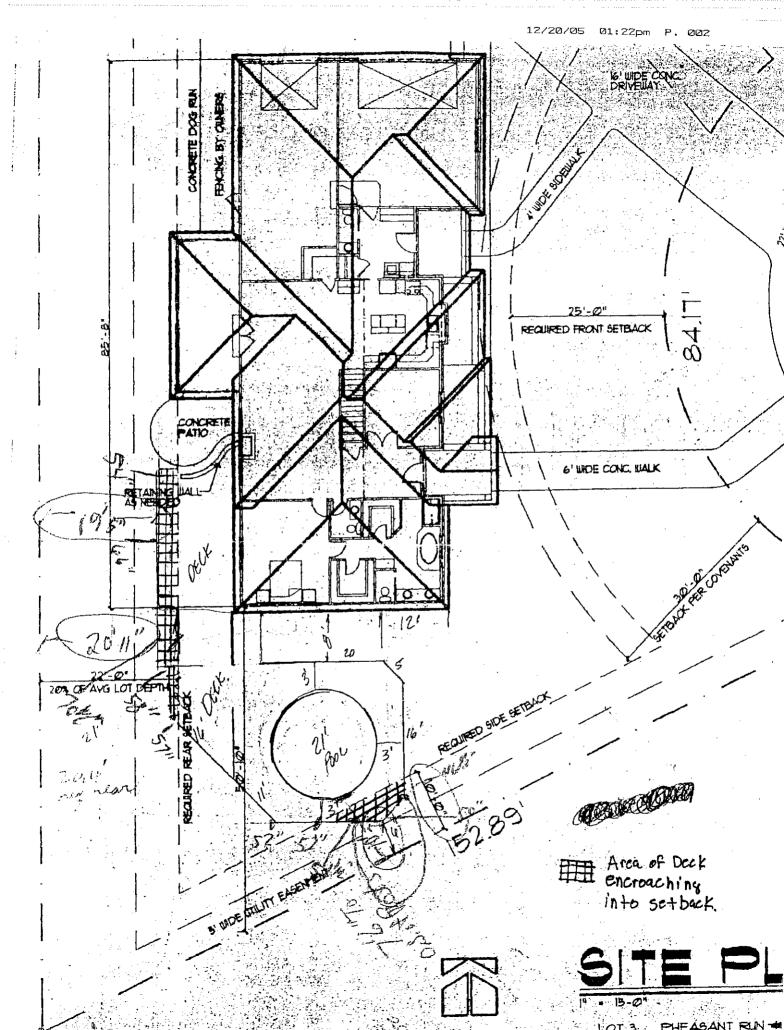
The foregoing Resolution was approved by the Lincoln City-Lancaster County

Planning Commission on this _4th day of __January _____, 2006.

ATTEST:

Approved as to Form & Legality:

Chief Assistant City Attorney

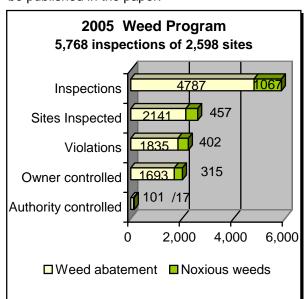


Combined Weed Program City of Lincoln

December 2005 Monthly Report

Year in Review

Even though the weather conditions were dry, weed abatement demand was greater. The number of weed abatement and noxious weed violations increased by 372. This created a 20% increase in inspection workload. Bankruptcies continue to be a problem. 142 notifications had to be published in the paper.



Inspection Activity

5,768 inspections were made of 2,598 sites on 3,287 acres during the year. 2,237 violations were found on 1,217 acres.

Weed Abatement Program

There was a continuing emphasis on obtaining voluntary compliance of landowners. Almost 94% of owners cut their overgrowth after notification. This was accomplished with 70% of the notifications being other than legal notifications.

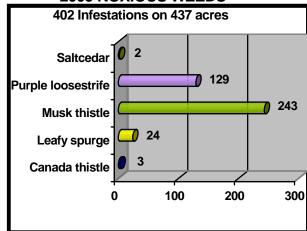
- Made 4,787 inspections on 2,141 sites on 1,060 acres.
- Found 1,835 violations on 814 acres.
- Found no violations on 328 sites.
- 1,674 complaints received on 1,425 sites.

- 251 sites received multiple complaints.
- Sent 660 notices, 1,323 letters, published 142 notifications and made 40 personal contacts.
- 1,693 sites cut by landowners.
- 147 sites were contracted.
- 40 cut by landowners before contractor arrived.
- 107 sites force cut at the cost \$13,962.
- 81 properties were assessed for non-payment of \$10,557.

Noxious Weeds

402 infestations were found on 437 acres. The number of infestations found decreased by 32. The number of infestations found by noxious weed is shown below. 315 of these sites were controlled by landowners. The Authority controlled

2005 NOXIOUS WEEDS



12 sites.

DECEMBER Activities

- 1 Staff Meeting
- 15 LPWMA Meeting
- 19 Weed Assessment Hearing
- 31 Monthly activity report

JANUARY Planned Activities

- 13 Mgt Team Mtg
- 19 Lower Platte Purple Loosestrife Mtng
- Commissioners approval of annual plan



To CouncilPacket/Notes@Notes

12/30/2005 08:28 AM

cc bcc

Subject Fw: Floodplain Ordinance

---- Forwarded by Tammy J Grammer/Notes on 12/30/2005 08:32 AM -----



"mary winquest" <marywinquest@hotmail.com

To council@lincoln.ne.gov

CC

12/29/2005 09:09 PM

Subject Floodplain Ordinance

Dear City Council:

I support the revised floodplain ordinance amendments per the Mayor's floodplain task force in order to use the best technical information available and preserve flood-prone areas from development.

All the best, and thanks for your work on our behalf.

Mary Jane Winquest 6815 Northridge Rd. Lincoln, NE 68516

To CouncilPacket/Notes@Notes

12/30/2005 09:32 AM

СС

bcc

Subject Fw: Walmart

---- Forwarded by Tammy J Grammer/Notes on 12/30/2005 09:36 AM -----



Ann Adams <aadams2@alltel.net>

To <council@lincoln.ne.gov>

12/30/2005 08:45 AM

Please respond to aadams2@alltel.net

Subject Walmart

CC

Dear City Council Members:

As you once again consider the vote on the Walmart in northeast Lincoln, I'd like to add my nickel's worth.

First, whatever happened to the idea of free enterprise? Is Lincoln so special

that we can't let businesses in because people don't agree with everything about that business? The American economic system is designed to work on the principles of competition and supply and demand. Perhaps if this Walmart were permitted, Russ Raybould would be forced to have competitive prices.

The only choices for groceries in reasonable proximity to my neighborhood are Russ's in Havelock and Hy-Vee on north 48th. By default, I choose Hy-Vee because their prices are consistently lower than Russ's. If I have lots of

time, I drive to the north 27th Walmart because they have leaner hamburger choices than either of the other stores.

Next, think of the positive economic impact for Lincoln if this Walmart were to be permitted. People in Waverly would have a closer choice for shopping as well which generates more money being spent in Lincoln. This store would create jobs for many Lincoln residents. It would generate more sales tax for our city budget (certainly a better idea than raising taxes), and it would increase the spending ability of many Lincoln residents who don't have a job or would like a second job.

For those of you who have personal objections to Walmart's practices, consider the realities of today's business world. Walmart is not the only place

where employees don't have insurance purchasing power. It is not the only place that has non-American made products. It is not the only place which manipulates prices.

Consider the desire of the majority of northeast Lincoln residents. Just because the mayor doesn't shop at Walmart...by the way, she buys groceries at Hy-Vee, not a mom and pop store...doesn't mean that others don't or won't shop there. We all have a choice as to where we shop. If someone doesn't like Walmart, they don't have to shop there, but their likes should not be

forced on others.

Thanks for your consideration.

Elizabeth Adams 2938 Delhay Drive Lincoln, NE 68507 466-7109

Ann Adams

Tammy J Grammer/Notes To CouncilPacket/Notes@Notes

12/30/2005 12:20 PM

cc bcc

Subject Fw: floodplain amendments

---- Forwarded by Tammy J Grammer/Notes on 12/30/2005 12:24 PM -----



Mary King <mking6@neb.rr.com> 12/30/2005 10:12 AM

To council@lincoln.ne.gov

CC

Subject floodplain amendments

Dear Council Members,

Please do not be dissuaded from the well thought out flood prone amendments. With the present media focus on "being nice" to developers, it is important to recall that their motivation is rarely the 'common good', the discussion of which needs to inform development.

Thanks and good luck,

Mary B and James W. King 3900 Orchard St Lincoln, 68503

12/30/2005 02:09 PM

To CouncilPacket/Notes@Notes

СС

bcc

Subject Fw: Orderly and Sustainable Growth

---- Forwarded by Tammy J Grammer/Notes on 12/30/2005 02:13 PM -----



Wayne Boles <WBOLES@telesis-inc.com> 12/30/2005 01:55 PM

To "Coleen Seng (E-mail)" <mayor@ci.lincoln.ne.us>, "CityCouncil (E-mail)" <council@ci.lincoln.ne.us>

Subject Orderly and Sustainable Growth

The Honorable Coleen Seng Mayor City of Lincoln

Thank you, Mayor Seng and members of the Lincoln City Council and Lincoln-Lancaster County Planning Commission, for representing the tens of thousands of Lincoln citizens who support orderly and sustainable urban growth. Although requiring focus and courage, there is nothing sacred about speculating with land and money. The thoughtful administration of this growing city, however, is a beautiful phenomenon. Thinking is harder than making money, according to me. Your administration, Mayor Seng, is also doing an admirable job of anticipating and answering the age-old growth question, "How're you gonna pay for it?"

Sincerely,

Wayne

E. Wayne Boles 506 University Towers 128 N. 13th Street Lincoln, NE 68508 (402) 450-4523

To CouncilPacket/Notes@Notes

01/03/2006 07:54 AM

cc bcc

Subject Fw: Flood Prone Areas

---- Forwarded by Tammy J Grammer/Notes on 01/03/2006 07:56 AM -----



Richard Sutton <rsutton1@UNL.EDU> 12/31/2005 11:28 AM

To council@lincoln.ne.gov

CC

Subject Flood Prone Areas

City Council Members:

I was unable to attend the December public Hearings on revisions to the flood plain regulations, but I was able to see the testimony on channel 5.

Here is my take on the issue before you: Why wouldn't anyone want access to and see the City of Lincoln use the best technical information available regarding flood prone areas? Prudence dictates that potential buyers and owners of property should be forewarned of possible damage by flooding so they can make suitable arrangements to handle their risk.

Please vote for the the ordinance before you that includes the "best technical information available" language.

Richard K. Sutton Landscape Architect

To CouncilPacket/Notes@Notes

01/03/2006 07:59 AM

СС

bcc

Subject Fw: Floodplain Ordinance Amendments

----- Forwarded by Tammy J Grammer/Notes on 01/03/2006 08:01 AM -----



Dasenb@aol.com

01/02/2006 03:53 PM To council@lincoln.ne.gov

СС

Subject Floodplain Ordinance Amendments

Council Members: I support the amendments to the Floodplain Ordinance that are coming to you for consideration.

Wilbur Dasenbrock, 1449 Meadow Dale Drive, Lincoln, NE. 68505 466-2465

01/03/2006 08:00 AM

To CouncilPacket/Notes@Notes

СС

bcc

Subject Fw: LETTER FOR JANUARY 9TH COUNCIL

MEETING--FLOODPLAIN ORDINANCES AND

RESOLUTIONS

---- Forwarded by Tammy J Grammer/Notes on 01/03/2006 08:02 AM -----



"Mike Carlin" <mcarlin@neb.rr.com> 01/02/2006 10:13 PM

To <council@lincoln.ne.gov>, <jcamp@lincoln.ne.gov>, <jcook@lincoln.ne.gov>, <reschliman@lincoln.ne.gov>, <dmarvin@lincoln.ne.gov>, <amcroy@lincoln.ne.gov>, <pnewman@lincoln.ne.gov>, <ksbvoda@lincoln.ne.gov>

cc "County Commissioners" <commish@lancaster.ne.gov>,
"Nicole Fleck-Tooze" <ntooze@lincoln.ne.gov>, "Karl
Fredrickson" <kfredrickson@lincoln.ne.gov>, "Marvin Krout"
<mkrout@lincoln.ne.gov>, "Coleen Seng"

<mayor@lincoln.ne.gov>

Subject LETTER FOR JANUARY 9TH COUNCIL

MEETING--FLOODPLAIN ORDINANCES AND

RESOLUTIONS

January 2, 2006

City of Lincoln City Council

555 S 10th St, Room 111

Lincoln, NE 68508

Members of the City Council,

This letter is regarding the floodplain agenda items that will be presented to you for third reading and action on January 9, 2006 (Lincoln Municipal Code Amendments 05-175, 05-177, 05-176, 05-178; and Resolutions 05R-282, 05R-283, 05R-284 and 05R-285). I strongly support these amendments and resolutions and encourage you to approve them as submitted with the recommendations of the Planning Commission, the Director of the Planning and the Director of Public Works and Utilities.

These amendments and resolutions represent the culmination of over four years of hard work by staff and members of the community. The Mayor's Floodplain Task Force was formed in 2001 and took over a year to complete their work. All stakeholder groups were represented on the Task Force, including landowners in the floodplain and members of the development community. The members of the Task Force dedicated a great deal of their time and energy to achieve a balanced compromise and are to be applauded for their hard work and dedication to their community.

The only thing that I find discouraging is that it has taken over two and a-half years for the Task Force's recommendations for existing urban areas to finally reach the city council. As reflected by the significant number of floodplain building and fill permits that have been issued in the interim, it would appear that a lot of landowners and developers have taken advantage of the opportunity this delay-to-action has offered to build in the floodplain before the Task Force's recommendations are codified. I guess I can understand that to a point, but it is unfortunate that their actions are in direct contrast to the "no adverse impact" concept espoused by the Task Force. No adverse impact of course means simply that the action of one property owner does not adversely impact the flooding risk for other properties.

A few developers and their lawyers who did not commit their time to the Task Force will undoubtedly attempt to talk you into further delaying or diluting the amendments and resolutions. The system has already provided them with a two and a-half year window of opportunity to take advantage of the old rules. To allow them to undo or further delay the good work that has been done would be a slap in the face to every member of the Task Force and will make it very difficult to convince citizens to commit themselves to service on future task forces or committees.

The amendments and resolutionsuse the "best technical information available" to identify floodprone areas. That kind of seems like a no-brainer to me but it seems there are some people who would rather continue the use of outdated data. Apparently, the "best technical information available" has identified some areas as floodprone that were not previously identified as such. This is partly because of the adverse impact that continued development in the floodprone areas has had, but also because the science and methodology of identifying floodprone areas has become much more precise. Do we really want to wait on the bureaucratic processes at FEMA to grind their way to a formal stamp of approval before we take action to protect our citizens? To not insist upon using the "best technical information available" **immediately** would be irresponsible.

Last weeks flooding in northern California is a tragic example of what can happen when people are given a false sense of security from outdated and inaccurate floodplain maps. Because local

officials had not updated the floodplain maps with "the best technical information available," many people did not know that their property was in a floodplain until it flooded after a rain event of relatively modest proportion (compared to a 100-year flood). Consequently, many did not take adequate precautions and did not have flood insurance even though use of "the best technical information available" would have shown them to be in the floodplain.

Stand firm and approve the amendments and resolutions as submitted. The compromise has been achieved; do not allow it to be weakened.

Sincerely,

Michael Carlin, Friends of Wilderness Park

2700 West Paddock Road

Lincoln, NE 68523

402-420-9092; MCarlin@neb.rr.com

CC: Coleen Seng, Mayor, City of Lincoln

Lancaster County Board of Commissioners

Karl Fredrickson, Director, Public Works & Utilities

Nicole Fleck-Tooze, Special Projects Administrator, Watershed Management

Marvin Krout, Director, City/County Planning Department

To CouncilPacket/Notes@Notes

01/03/2006 08:02 AM

СС

bcc

Subject Fw: floodplain ordinance

---- Forwarded by Tammy J Grammer/Notes on 01/03/2006 08:04 AM -----



Rosemary Thornton rthorn@alltel.net>
12/31/2005 02:41 PM

To council@lincoln.ne.gov

CC

Subject floodplain ordinance

To City Council Members:

I would urge you to vote to adopt the flood plain ordinance amendments in regard to flood prone areas (Salt Creek, Beal Sough, Cardwell Brance and Stevens Creek), so developers cannot build houses there. It would seem wise not to follow the New Orleans debacle. Rosemary Thornton

Rosemary Thornton 3405 M Street Lincoln NE 68510 402-477-7597 rthorn@alltel.net Tammy J Grammer/Notes To CouncilPacket/Notes@Notes

01/03/2006 08:03 AM

СС bcc

Subject Fw: InterLinc: Council Feedback

---- Forwarded by Tammy J Grammer/Notes on 01/03/2006 08:05 AM -----



DO NOT REPLY to this-InterLinc <none@lincoln.ne.gov> 01/01/2006 09:08 PM

To General Council < council@lincoln.ne.gov>

CC

Subject InterLinc: Council Feedback

InterLinc: City Council Feedback for

General Council

Russell Miller Name: Address: 341 S. 52

City: Lincoln, NE 68510

Phone: 402-499-2611

Fax:

Email: neb31340@alltel.net

Comment or Ouestion:

Hello City Council Members,

2005

30 December

It is my opinion that Lincoln's government should not be trying to conceal information that could harm Lincoln businesses and their future prosperity. Delaying the publication of "best available flood data" can only harm property owners.

The industrial property that I own is in the flood plain. The 1986 flood mapping has it approximately 2.3 feet below the 100 year flood elevation. (the "best available data" today has it 2.5 feet below flood elevation.) At various times in the last 20 years I have given thought to the idea of somehow raising the storage warehouses to put them above the 100 year flood. A well informed investor will know that the flood elevation is a moving number and you require the most current data before making any substantial investment. However, the only reason I know that the water height increased 2 tenths of a foot is because I went to the public meeting on 13 December. If that important information is suppressed for 2 years awaiting FEMA's approval then a less than perfect decision would be made. (The best information will be concealed because Building Codes will not be required to tell me of the correct elevation when

I get the building permit.)

I recall that when I was on the Mayor's Floodplain Task Force CLAY SMITH made comments about his investment at 56th and Holdrege Street (the gas station and strip mall on the southwest corner). Essentially, he said that they had checked on flood information and everything was ok. After their \$700,000 investment and 2 years later they were told that they were in the floodplain.

MY point is that if they had known earlier they could have made changes before things were in concrete.

Several Council members have campaigned on a business platform which, I think, is a good idea. However, the business plan of some business operations is to charge the maximum that the customer will let them get away with and, even better if they can, rape & pillage their victim (er customer). Lincoln has existed for over 100 years and there are many reasons to expect Lincoln to continue to exist for another 100 years. The only way for this city to do that is for Lincoln government's business plan to mandate that it provide good services to its customers and to have a clear focus of the long range impacts of its decisions. The concealment of this new floodplain data is short term (FEMA will approve it in 2 years) and the potential new buildings are long term (50 - 100 years).

The data that should be made available involves 89 homes and 16 commercial properties that will be added to the floodplain PLUS 28 homes and 8 commercial that properties will be taken out of the floodplain. Why would any Council Member want to be on record for keeping 36 properties in the floodplain any longer than necessary? Why would any Council Member want to be on record for concealing information about those 105 properties that are soon to be in the floodplain with its extra requirements?

Successful business requires the most current available data so please pass change of zone # 05070 & miscellaneous # 05023.

Russell Miller 341 S. 52 Street Lincoln, Nebraska 68510 daytime phone 499-2611 Tammy J Grammer/Notes To CouncilPacket/Notes@Notes

01/03/2006 09:59 AM

СС

bcc

Subject Fw: InterLinc: Council Feedback

----- Forwarded by Tammy J Grammer/Notes on 01/03/2006 10:01 AM -----



DO NOT REPLY to this-InterLinc <none@lincoln.ne.gov> 01/03/2006 10:00 AM

To General Council < council@lincoln.ne.gov>

CC

Subject InterLinc: Council Feedback

InterLinc: City Council Feedback for

General Council

Name: Laurie Farrow
Address: 621 Wedgewood I

Address: 621 Wedgewood Drive City: Lincoln, Ne 68510

Phone: 402-430-9542

Fax:

Email: kaati@neb.rr.com

Comment or Question: January 3, 2006

Dear City Council Members:

The nice thing about a letter is if you don't like what it is saying, you don't have to keep reading. I sincerely hope that it will not be the case with this email. I do apologize, up front, for the length.

I have been following, with interest, the Council meetings as well as the opinions in the Journal Star along with other articles in the Star.

Here is my scenario. All city planners, inspectors, and of course, City Council would not be needed. Instead Mayor Seng would do it all. She would take applications, view the area in question, find the pro and con of such endeavors and then vote how she wants it to be. Does this make sense to you, of course not. But if you think about it that is exactly what she is doing. Taking up people's time and energy, paying multiple persons for doing the same job, getting citizens in an uproar, just so she can use the power to destroy hope by the people asking to be approved.

You are elected officials by the people and for the people (sound familiar), just like any President. As such, we the citizens, expect you to vote for what you believe in and feel is in the best interest for our city and do not allow Mayor Seng to veto any project just because she can, has done, and will do again, at the last minute. She stated that unless all of you vote yes for Wal-Mart she will veto; even though it has passed by a majority. Surely something could be put in the wording so she could not do this again. Stand

up and do what you should for this town now and in the future.

Spending is over the top in Lincoln and property tax is the highest of any state I have ever lived in. Young people cannot own houses and retired are moving because they cannot pay the taxes on their fixed income. To claim homestead, you must be almost poverty level. There is not the revenue coming into Lincoln to offset the amount spent out. You must have an equal balance to thrive and grow. We cannot stand another tax increase.

It took 2 years plus to finish 84th St. Now we're going to close "0" street, which will be a nightmare for workers traveling both East and West. Referring to 48th and 0, why are owners not required to do up keep on their businesses? They should be severely penalized so as not to let sections of the city become rundown for tax payers to foot the bill to repair or rebuild. Just as a comment, the business owners in that section should have been taken to task years ago.

I have also heard, incorrectly I pray, that the train depot is going to be torn down for a hotel and parking lot. Have we not lost enough historical properties to date? We have 13 Walgreens in Lincoln with another one proposed on "O". I would like to know why a town approximately 10 miles wide with 240,000 residents needs 14 Walgreens. Absurd.

A person came to the Council meeting with 6,000 plus signatures not to have another Wal-Mart store. I guarantee 98% of that group shopped there at Christmas and probably another 80% buy groceries there. Why? It's cheaper. I'm on a fixed income and I shop there because I can afford to and get more than I would elsewhere. Russ' Markets are the most expensive in town with HyVee next. I don't shop Super Saver because it does not appeal to me. All I heard from Russ' representative at the meeting was "don't hurt the Mom and Pop businesses". Did they stop to consider Mom and Pop businesses when they put in 11 stores (4 Super Savers and 7 Russ') in Lincoln? Of course not, otherwise, there would only be 2. It's called less competition, more money for me.

We desperately need the tax revenue from Wal-Mart in Lincoln, not to mention more employment opportunities. The City is way over its head in debt. Wal-Mart will not get us out of debt, by any means. However, it would be a tremendous start.

Please be the City Council we elected and all vote yes for this business opportunity.

Thank you for listening to my concerns and may you all have a blessed New Year.

Sincerely, Laurie Farrow 621 Wedgewood Drive Lincoln, Ne 68510 (402)430-9542

P.S. A good (just to help) project would be to build a new, bigger City Mission. These are our people who cannot afford a house and the tax burden or who cannot get a job for whatever reason and just need a place to get a start. The City Mission is overflowing now and our winters are sometimes fierce.

To CouncilPacket/Notes@Notes

01/03/2006 11:50 AM

cc bcc

Subject Fw: Ambulance Service

---- Forwarded by Tammy J Grammer/Notes on 01/03/2006 11:52 AM -----



Dave O <daoco@yahoo.com>

To council <council@ci.lincoln.ne.us>

01/03/2006 10:06 AM

CC

Subject Ambulance Service

I'm writing to encourage a complete and accurate investigation into the ambulance service debacle. Back room political deals were cut, officials were bought off or at least unduly influenced and the former employees of Eastern Ambulance and the public at large were lied to by then Mayor Wesley, Mike Spadt and certain members of the city council.

Contrary to the Mayor's opinion the answer is not simply to approve a subsidy and index it for the future. The solution is to fix the problem. Starting by firing Spadt and stopping the practice of sending the big truck along on all ambulance calls. This practice only serves to inflate the call numbers and justify unneeded expansion. If the service can't be restored to break even then it's time to open the bidding process up and hope that some private service will be willing to locate here. Given the willingness of city government to engage in shoddy treatment of private enterprise it seems unlikely that you will have any takers but the process must take place.

David Oenbring 2630 S 13th

Lincoln, NE 68502 402-474-4300

To CouncilPacket/Notes@Notes

01/03/2006 11:50 AM

cc bcc

Subject Fw: Wal-Mart

---- Forwarded by Tammy J Grammer/Notes on 01/03/2006 11:53 AM -----



Dave O <daoco@yahoo.com>

To council <council@ci.lincoln.ne.us>

01/03/2006 10:08 AM

CC

Subject Wal-Mart

I'm writing to express my support for the Wal-Mart store at 84th and Adams. This is not and should not be about Wal-Mart. It's about free enterprise, private property rights and the willingness of the city to accommodate new business. Rejecting a possible 700 new jobs is tantamount to displaying a "Closed for Business" sign at the portal to the city.

The synergy between a Wal-Mart at that location and the event center is too powerful to ignore. If the Mayor won't step aside to allow progress, jobs and tax dollars to enter the city it may be time to consider her removal from office.

David Oenbring 2630 S 13th

Lincoln, NE 68502 402-474-4300

01/03/2006 03:16 PM

To CouncilPacket/Notes@Notes

СС

bcc

Subject

---- Forwarded by Tammy J Grammer/Notes on 01/03/2006 03:18 PM -----



teababy9@aol.com 01/03/2006 02:56 PM

To Council@ci.lincoln.ne.us

CC

Subject

After the e-mail I received from the mayor, it is apparent she will not back down on the WalMart situation. However, you council members remember you are elected by the people to represent the people. I would hope you have enough votes to override the veto. Please do not vote along party lines. Everything does not have to go along hiway 2. Give the people in northeast Lincoln a break and give us some shopping and groceries and sit down resturants. We have money out here too. Sincerely, a resident of NE Lincoln.

To CouncilPacket/Notes@Notes

01/03/2006 03:16 PM

cc bcc

Subject Fw: InterLinc: Council Feedback

---- Forwarded by Tammy J Grammer/Notes on 01/03/2006 03:18 PM -----



DO NOT REPLY to this-InterLinc <none@lincoln.ne.gov> 01/03/2006 12:58 PM

To General Council < council@lincoln.ne.gov>

CC

Subject InterLinc: Council Feedback

InterLinc: City Council Feedback for

General Council

Name: Bonnie Filipi Address: 5440 Cleveland E6 City: Lincoln, NE 68504

Phone: Fax: Email:

Comment or Question: City Council Members:

PLEASE do not be fooled by Wal-Mart's latest tactic which has come before the city in the form of an ULTIMATIM. Why has Wal-Mart now waited until the 11th hour to inform the city of its distribution center idea?

Testimony has been given at city council meetings by those supporting as well as opposing the development of a third Wal-Mart that NEW tax revenue WILL NOT be generated by another Wal-Mart. Testimony reflected that the tax revenue from Wal-Mart is simply a redistribution of revenue that will come from other businesses that will no longer exist due to this corporate giant developing ANOTHER Wal-Mart in the city of Lincoln.

Even though Wal-Mart says they will incur costs of building roads suitable to travel to their business, it is not GUARANTEED that development of the third Wal-Mart in Northeast Lincoln will not in some way cost the city of Lincoln. How far along in the project will the city be before it realizes that it has to pick up part or all of the tab?

On a regional basis, Wal-Mart is in the news again. Illegal aliens found working at a Wal-Mart in Nebraska. A shooting at a Wal-Mart in Council Bluffs. It is not secret that bb and pellet guns used in recent vandalisms in Lincoln were STOLEN from both Lincoln Wal-Marts. Does Lincoln Nebraska have enough police power to answer additional

calls to another Wal-Mart?

Please, do the smart thing and vote AGAINST allowing a THIRD Wal-Mart in Lincoln Nebraska! PLEASE protect the physical and financial well-being of all Lincolnites.

Instead, help build a "neighborhood" center that actually lives up to the guidelines that have been set forth by the city of Lincoln which includes a full complement of businesses that ideally serve a neighborhood.



LINCOLN ELECTRIC SYSTEM

January 4, 2006

Lincoln City Council County-City Building 555 South 10th Street Lincoln, NE 68508



Dear Council Members:

Enclosed for your consideration is a revised Resolution implementing LES' rate increase and Power Cost Adjustment (PCA) and the Rate Schedules and Service Regulations document. Since sending the original Resolution, we prepared these changed documents to address questions raised by Mayor Seng about the PCA. The first change is in the Resolution and makes it clear that the City Council has an ability to review the PCA any time an LES Budget or a change to our base rates goes before the Council.

The Mayor also asked for a clarification that any change to the PCA caps be approved by the City Council. We have incorporated the PCA cap amounts into the rate schedules and there is no language that would allow the LES Board or staff to adjust the caps. Therefore any change to the cap would be considered a change to the rate schedule which would require City Council approval.

Both of these changes are consistent with the LES Board's action and direction that the rate change and PCA be forwarded to you for approval.

We appreciate the discussions with and assistance of the Mayor in identifying these clarifications.

Sincerely.

Terry L. Bundy, P.E.

Administrator and CFO

E-mail:

tbundy@les.com

Phone #:

(402)473-3392

FAX #:

(402)475-9759

TLB:cls

Enclosure

cc: Mayor Seng



RESOLUTION NO. A-_____

1	WHEREAS, it is the responsibility of the Lincoln Electric System (LES) Administrative
2	Board to develop and recommend to the City Council of the City of Lincoln rate schedules and
3	service regulations for electric service to ratepayers in the LES service area; and
4	WHEREAS, LES is experiencing extreme volatility in fuel prices for its generating units
5	as well as volatility in the price of wholesale power purchases which tend to follow the price of
6	natural gas; and
7	WHEREAS, this price volatility is both difficult to forecast and beyond the direct control
8	of LES staff; and
9	WHEREAS, many electric utilities throughout the nation have implemented a mechanism
10	known as a Power Cost Adjustment (PCA) that allows the utility to adjust the amount charged
11	for retail electric service in order to generate the amount of revenue necessary to cover
12	fluctuating changes in power costs; and
13	WHEREAS, in 1980 the LES Administrative Board considered certain standards as
14	required by the federal Public Utility Regulatory Policies Act of 1978 (PURPA), including
15	PURPA Sections 113(b)(2) and 115(e) regarding automatic adjustment clauses such as PCA's;
16	and
17	WHEREAS, following public hearings on the PURPA standards in 1980, the LES
18	Administrative Board adopted a standard to be utilized if LES implements the PCA which is
19	incorporated herein by reference; and
20	

1 WHEREAS, such standard was also approved by the Lincoln City Council pursuant to 2 Resolution No. A-67105 on September 2, 1980, and approved by the Mayor on September 9. 3 1980; and 4 WHEREAS, the LES Budget and Rates Committee met with staff to review in detail the 5 recommendation to implement a PCA, consistent with the standard adopted by the LES 6 Administrative Board and Lincoln City Council, with a targeted effective date of February 1. 7 2006; and 8 WHEREAS, the LES PCA would be determined based on the amount by which the 9 production fuel costs and purchased power costs deviate from the LES Administrative Board's 10 2006 budget approved base costs, and would be adjusted upwards and downwards 11 commensurately with cost fluctuations, as they are incurred; and 12 WHEREAS, a public hearing on the PCA was held on Thursday, December 1, 2005, for 13 the purpose of receiving public input from customers, following notice given to all customers 14 through a billing insert in customer billing statements; and 15 WHEREAS, the LES Administrative Board directed the Budget and Rates Committee to 16 give further consideration to the public input received at the hearing; and 17 WHEREAS, the Budget and Rates Committee met to consider the public input and 18 advanced a modified recommendation that includes both a base rate increase and a PCA; and 19 WHEREAS, on December 16, 2005, the LES Administrative Board unanimously 20 approved a 4.5 percent increase in base electric rates and implementation of a PCA to cover 21 increased power costs and to meet LES' obligations to its bond holders and to maintain LES'

financial integrity, and recommends approval of such by the Lincoln City Council.

22

1	NOW, THEREFORE, BE IT RESOLVED, that the Lincoln City Council approves the							
2	following electric rate measures to generate the revenue necessary to cover the projected							
3	increases in future p	ower costs:						
4	1)	Implementation of a nominal 4.5 percent rate increase applied equally						
5		across all customer rate classes to become effective with bills rendered or						
6		and after February 1, 2006, and						
7	2)	Implementation of a power cost adjustment (PCA) to become effective						
8		with bills rendered on and after February 1, 2006, to generate revenue to						
9		cover fluctuating power costs on a monthly basis that exceed the amount						
10		generated from base rates.						
11	BE IT FURT	HER RESOLVED, that the Lincoln City Council approves the 2006 LES						
12	Rate Schedules that	embody these rate measures and are herein incorporated by reference.						
13	BE IT FURT	HER RESOLVED, that the Lincoln City Council will receive quarterly						
14	reports from LES reg	garding calculation of the PCA and that the City Council may review the						
15	PCA at such times as	s LES' budget or rates come before the City Council for consideration and						
16	action.							

Proposed Rate Schedules and Service Regulations

For Rates Effective February 1, 2006





01/04/2006 04:08 PM

To CouncilPacket/Notes@Notes

СС

bcc

Subject Fw: FW:

---- Forwarded by Tammy J Grammer/Notes on 01/04/2006 04:10 PM -----



"Walter A. Canney" <wacanney@inebraska.com> 01/04/2006 03:46 PM

To <cseng@lincoln.ne.gov> cc <council@lincoln.ne.gov>

Subject FW:

Thought I would pass this on.—walt C.

From: Walter A. Canney [mailto:wacanney@inebraska.com]

Sent: Wednesday, January 04, 2006 3:39 PM

To: 'jbaylor@threeeagles.com'

Subject:

John,

I missed the particular show, but someone mentioned that you commented on a recent letter to the Editor I wrote on the issue of a Northeast Wal-Mart, particularly the possible savings illustration I used. It was clearly just an illustration. I haven't researched the overall number, but I did notice a Wall Street Journal editorial today on a banking issue with Wal-Mart. I have attached it. At least on Groceries I may have been well within the range-----and with food a most basic need maybe the protect local merchants on groceries at least needs some evaluation.

Walter A. Canney

8239 Dorset Dr.

Lincoln, Ne 68510

Ph:402/489-2373 Fax: 402/489-3459

- Wall Street Journal06-01-04.jpg

Wall Street Journal 12-4-05 REVIEW & OUTLOOK

Banking Against Wal-Mart

he Federal Deposit Insurance Corporation (FDIC) will soon have to make a big decision: whether to grant retail signt Wal-Mart a charter to enter the consumer banking business. You won't be surprised to learn

that the idea of more banking competition is not universally popular with . . . bankers.

Guess who doesn't want more financial competition.

who pay with Visa or MasterCard.

But why shouldn't Wal-Mart be permitted to engage in a whole range of banking services down the line, if it wishes to? That's the meaty

and pass the cost-savings on to its customers

policy issue at stake here: whether the traditional firewall between banks and commercial enterprises

(i.e., the commercial lenders and the borrowers) should be officially torn down. The Gramm-Leach-Bliley Act of 1999 effectively abandoned this traditional separation between commerce and banking when it allowed securities and insurance firms to engage in most banking activities. This has all been part of a 25-year-long deregulation of banking that has led to huge increases in efficiency in American financial markets as well as vastly improved consumer services. (Remember the quaint notion of "banker's hours?")

Peter Wallison of the American Enterprise Institute notes that "the Gramm-Leach-Billey Act has eviscerated the policy case against allowing commercial firms to affiliate with banks," Wal-Mart's entry into the mix would merely continue what has been a benign, procompetition trend.

Would granting Wal-Mart its ILC status impose an unnecessary financial risk on the soundness of the banking system? The Community Bankers lobby warns that "Wal-Mart's entrance into banking would constitute a dangerous over-concentration of economic power that would skew market forces." What clearly undermines this argument is that in every other consumer market that Wal-Mart has entered. from fiardware services to selling gas at the pump, the impact of its gaining market share has been to reduce prices, not to raise them.

Studies have found, for example, that in neighborhoods where Wal-Mart has entered the procesy business, its prices range from \$% to 27% below those charged at the incumbent grocery chains. Moreover, if there were a repeat of the kind of bank failures we witnessed in the late 1980s, financially sturdy Wal-Mart would be fur less susceptible to the risk of closure (and FDIC deposit insurance payments to depositors) than small and less capitalized community honks.

It's always possible that Wal-Mart will fail on its face in banking. We suspect, however, that what really spooks the banking industry is the threat of more competition, more convenience and lower prices for financial services. But that should be welcome news to members of Congress and the regulators at the Federal Reserve Board and the FDIC if they truly care about the welfare of the banking consumer.

In particular, the In-

dependent Community Bankers Association (ICBA) is raising a ruckus in Washington to keep big bad Wal-Mart locked out of their game. We have here a textbook case of a powerful corporate lobby rushing to its pals in Congress and their regulators, in this case the FDiC, and pleading for them to squash competition that might lower the prices of banking services.

At issue is whether Wal-Mart should be granted the authority to establish an Industrial Loan Company (H.C) in Utah. ILCs are statechartered, quasi-banks that were originally designed a century ago to help low-income workers get cheap loans. ILCs can provide most banking services, such as check cashing, lending, and credit card processing. Target and General Electric have been granted an ILC with little controversy. But because Wal-Mart has been portraved as America's latest corporate villain, its political hurdles are much higher.

If the bankers succeed in this protectionist gambit, the biggest loser won't be Wal-Mart, but rather consumers, particularly those in lower-income neighborhoods where competition in retail banking is traditionally scarce. Wal-Mart hanking services in these areas might even solve the longstanding problems of red-liping and discriminatory lending practices. Wal-Mart already performs many bank-like functions that are especially popular in poor areas-including wire transfers, money orders, paycheck cashing, and express bill payment services.

So it's especially notable that Congressman Barney Frank of Massachusetts and a gang of other Capitol Hill liberals have cast a skeptical eye toward Wal-Mart's entry into banking. If they decide to regulate Wal-Mart out of the industry, the end result will be higher banking service costs for the poor constituents they claim to represent.

The protest is all the more curious since Wal-Mart's immediate banking ambitions are quite modest. To head off the mounting opposition from the bankers, Wal-Mart insists that in the short term it merely wants to create an in-house banking affiliate so it can lower costs on credit card transactions at its stores. Traditionally, banks charge an interchange fee of roughly 2% on the cost of the retail credit/debit card transaction. Wal-Mart has determined that if it owns its own bank it can cut the fransaction fee in half, Tammy J Grammer/Notes To CouncilPacket/Notes@Notes

01/05/2006 08:20 AM

CC bcc

Subject Fw: InterLinc: Council Feedback

---- Forwarded by Tammy J Grammer/Notes on 01/05/2006 08:24 AM -----



DO NOT REPLY to this-InterLinc <none@lincoln.ne.gov> 01/03/2006 07:48 PM

To General Council < council@lincoln.ne.gov>

CC

Subject InterLinc: Council Feedback

InterLinc: City Council Feedback for

General Council

Name: russell miller Address: 341 S. 52

City: Lincoln, NE 68510

Phone: 499-2611 Fax: none

Email: neb31340@alltel.net

Comment or Ouestion:

Hello City Council Members,

2005

30 December

It is my opinion that Lincoln's government should not be trying to conceal information that could harm Lincoln businesses and their future prosperity. Delaying the publication of "best available flood data" can only harm property owners.

The industrial property that I own is in the flood plain. The 1986 flood mapping has it approximately 2.3 feet below the 100 year flood elevation. (the "best available data" today has it 2.5 feet below flood elevation.) At various times in the last 20 years I have given thought to the idea of somehow raising the storage warehouses to put them above the 100 year flood. A well informed investor will know that the flood elevation is a moving number and you require the most current data before making any substantial investment. However, the only reason I know that the water height increased 2 tenths of a foot is because I went to the public meeting on 13 December. If that important information is suppressed for 2 years awaiting FEMA's approval then a less than perfect decision would be made. (The best information will be concealed because Building Codes will not be required to tell me of the correct elevation when

I get the building permit.)

I recall that when I was on the Mayor's Floodplain Task Force CLAY SMITH made comments about his investment at 56th and Holdrege Street (the gas station and strip mall on the southwest corner). Essentially, he said that they had checked on flood information and everything was ok. After their \$700,000 investment and 2 years later they were told that they were in the floodplain.

MY point is that if they had known earlier they could have made changes before things were in concrete.

Several Council members have campaigned on a business platform which, I think, is a good idea. However, the business plan of some business operations is to charge the maximum that the customer will let them get away with and, even better if they can, rape & pillage their victim (er customer). Lincoln has existed for over 100 years and there are many reasons to expect Lincoln to continue to exist for another 100 years. The only way for this city to do that is for Lincoln government's business plan to mandate that it provide good services to its customers and to have a clear focus of the long range impacts of its decisions. The concealment of this new floodplain data is short term (FEMA will approve it in 2 years) and the potential new buildings are long term (50 - 100 years).

The data that should be made available involves 89 homes and 16 commercial properties that will be added to the floodplain PLUS 28 homes and 8 commercial that properties will be taken out of the floodplain. Why would any Council Member want to be on record for keeping 36 properties in the floodplain any longer than necessary? Why would any Council Member want to be on record for concealing information about those 105 properties that are soon to be in the floodplain with its extra requirements?

Successful business requires the most current available data so please pass change of zone # 05070 & miscellaneous # 05023.

Russell Miller 341 S. 52 Street Lincoln, Nebraska 68510 daytime phone 499-2611





Aquila Networks P. O. Box 83008 Lincoln, NE 68501-3008

January 3, 2006

Patte Newman County-City Building Lincoln, NE 68508

Dear Ms. Newman,

Responding to customer requests, Aquila has filed an Application with the Nebraska Public Service Commission (PSC) requesting a pilot project for a new pricing option for natural gas customers in Nebraska. The application could result in residential customers having the option to choose a fixed price, in addition to the current traditional method, for their natural gas bills.

The traditional method of billing for natural gas results in month-to-month fluctuations in the billing rate, depending upon the cost to secure the necessary supply. Aquila will not profit from the program, if approved, and PSC approval is required prior to Aquila implementing any changes in pricing options.

The proposed Fixed Price Option Program will be open to residential customers in the 110 communities served by Aquila, and will replace the current Lincoln program. If approved as proposed, the program would be in effect for one year, including the 2006-2007 heating season.

Our goal is to provide safe, reliable, cost-effective service. In addition, we believe our customers want pricing options for natural gas. Our filing reflects our commitment to responding to customer requests and needs.

I look forward to a continuing dialogue on this and other important issues and welcome your ideas. Detailed information on the filing is available at http://www.psc.state.ne.us/. You are welcome to contact me anytime at 402-437-1725 or our NE state spokesperson, Jan Davis at 402-935-4868.

Sincerely,

Steve Pella, Vice President Aquila Networks - Nebraska

Con .

ADDENDUM TO DIRECTORS' AGENDA MONDAY, JANUARY 9, 2006

I. MAYOR

1. NEWS ADVISORY - RE: Mayor Seng's Public Schedule Week of January 7 through 13, 2006 - Schedule subject to change -(See Advisory)

II. CITY CLERK

III. CORRESPONDENCE

- A. COUNCIL REQUESTS/CORRESPONDENCE NONE
- B. DIRECTORS AND DEPARTMENT HEADS

PLANNING

- 1. Letter & Material from Jean Walker RE: Change of Zone #05078 (Proposed Text Amendments to Title 27 of the Lincoln Municipal Code relating to indoor movie theaters) (See Material)
- 2. Memo & Material from Greg Czaplewski RE: Prairie Village North -(See Material)
- 3. Response E-Mail from Ed Zimmer RE: Urban Design Committee action Star Art Project -(See E-Mail)

C. MISCELLANEOUS

- 1. E-Mail from Robert & Phyllis Narveson RE: Floodplain resolutions -(See E-Mail)
- 2. E-Mail from Lynn Darling RE: Revised Floodplain Ordinance -(See E-Mail)

- 3. E-Mail from Wilbur Dasenbrock RE: Floodplain Management Actions (See E-Mail)
- 4. E-Mail from Rachel Simpson RE: Please Support the proposed floodplain ordinance amendments -(See E-Mail)
- 5. E-Mail from Kay Rising RE: Growth -proposed development near 84th & Adams -(See E-Mail)
- 6. E-Mail from Kay Rising RE: Budget & Growth -(See E-Mail)
- 7. E-Mail from Judy Smith RE: Lincoln Floodplains -(See E-Mail)
- 8. E-Mail from Helen Curfman RE: No thoughts one way or the other about a Wal-Mart being built near 84th & Adams problem with is the 724 apartments the developer wants to build when there are vacancies in nearly every apt. complex in Lincoln -(See E-Mail)
- 9. E-Mail from Barbara Francis RE: Floodplain (See E-Mail)
- 10. E-Mail from Alan & Donna RE: Don't punish job creators floodprone designation ordinance -(See E-Mail)
- 11. E-Mail from LaDonna & Ron RE: The 84th & Adams development -(See E-Mail)
- 12. E-Mail from Liz Shea-McCoy RE: Star Art The Star City Art Project 2006 -(See E-Mail)
- 13. E-Mail from J. Larry Hutchinson RE: Floodplain action -(See E-Mail)
- 14. E-Mail from Ginny Wright RE: Study of government subsidies for Wal-Mart -(See E-Mail)
- 15. E-Mail from Michael Floyd, Friends of Wilderness Park RE: Floodplain Ordinance Amendments -(See E-Mail)
- 16. E-Mail from Fernando Pagés, Brighton Construction Company RE: Floodplain (See E-Mail)

- 17. E-Mail from Monte Froehlich RE: Floodprone ordinance and screening (See E-Mail)
 - 18. E-Mail from Maribeth Milner RE: Floodplain -(See E-Mail)
 - 19. E-Mail from Fernando Pagés, Brighton Construction Company RE: Unintended consequences -(See E-Mail)
- 20. E-Mail from Mark Whitehead RE: Floodprone ordinances and 90% screening -(See E-Mail)
- 21. E-Mail from John Watson, President, Century Sales & Management Co. RE: Parking lot Screening -(See E-Mail)
- 22. E-Mail from Alene Swinehart RE: Floodplains -(See E-Mail)



ISORY MAYOR COLEEN J. SENG

lincoln.ne.gov

Date: January 6, 2006

Contact: Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Seng's Public Schedule Week of January 7 through 13, 2006 Schedule subject to change

Saturday, January 7

Lincoln Arts Council's "Stories of Home" public art project, remarks - 6 p.m., Belmont Recreation Center, 1234 Judson St.

Monday, January 9

Mayor's Award of Excellence - 1:30 p.m., Council Chambers, 555 South 10th Street

Tuesday, January 10

Mayor's Multicultural Advisory Committee meeting - 3:30 p.m., Mayor's Conference Room, 555 South 10th Street

Wednesday, January 11

"Face the Chamber" with Dick Campbell - noon, Cornhusker Marriott, 333 South 13th Street

Thursday, January 12

- Union College luncheon noon, Country Club of Lincoln, 3200 South 24th Street
- Leadership Lincoln Government Day workshop, remarks 1:30 p.m., location to be determined
- Mayor's Neighborhood Roundtable meeting 4:30 p.m., County-City Building, room 113, 555 South 10th Street
- North 27th Street Business and Civic Association annual meeting, remarks 7 p.m., Northbridge Community Center, 1533 North 27th Street

Friday, January 13

- 13th annual Freedom Breakfast, remarks, presentation Key to the City to keynote speaker Frank Blythe - 7:30 a.m., Embassy Suites, 1040 "P" Street
- State celebration of Dr. Martin Luther King, Jr. Day, remarks and proclamation -11:30 a.m., State Capitol Rotunda
- Lower Platte South Natural Resources District open house of remodeled offices 3 p.m., NRD District Offices, 3125 Portia Street



LI**ST OF LINCOLN**NEBRASKA

MAYOR COLEEN J. SENG

lincoln.ne.gov

Lincoln-Lancaster County
Planning Department
Marvin S. Krout, Director
Jon Carlson, Chair

City-County Planning Commission 555 South 10th Street Suite 213

June 213 Lincoln, Nebraska 68508 402-441-7491 fax: 402-441-6377 RE: Change of Zone No. 05078

(Proposed Text Amendments to Title 27 of the Lincoln Municipal Code relating to indoor movie theaters).

Please be advised that the Director of Planning, at the request of City Council Member Jon Camp, has proposed **CHANGE OF ZONE NO. 05078**, to amend Title 27 of the Lincoln Municipal Code relating to Zoning by amending Section 27.37.020 to add indoor movie theaters as a permitted use in the B-5 Planned Regional Business District on or after January 1, 2012; by amending Section 27.37.030 to add indoor movie theaters as a special permitted use in the B-5 Planned Regional Business District through December 31, 2011; by amending Section 27.63.630 to clarify that on or after January 1, 2012, pre-existing indoor movie theaters approved by special permit in the B-5 district shall automatically be converted to indoor movie theaters as a permitted use in the B-5 district, and that thereafter there shall be no restriction on the maximum number of theater complexes in each B-5 district and no restriction on the maximum number of movie screens in each theater complex; and repealing Sections 27.37.020, 27.37.030 and 27.63.630 of the Lincoln Municipal Code as hitherto existing. A copy of the proposed ordinance is attached.

The public hearing on this proposed text amendment will be held before the Lincoln City/Lancaster County Planning Commission on *Wednesday, January 18, 2006*. The public hearing is your opportunity to appear and speak upon the merits of this application. The Planning Commission meeting commences at 1:00 p.m. in the City Council Hearing Room on the first floor of the County-City Building, 555 South 10th Street, Lincoln, Nebraska. The Planning Commission action is a recommendation to the City Council.

If you would like additional information, you are encouraged to contact the project planner, Brian Will, at 441-6362. You may also wish to appear at the public hearing or submit your comments prior to the public hearing in writing to the Planning Commission at the Planning Department address, by e-mail to plan@lincoln.ne.gov, or by fax to 402-441-6377. The Planning Department staff report and recommendation will be available in the Planning Department office on Thursday, January 12, 2006, after 3:00 p.m. The "Planning Commission Agenda", including the staff report on this application, will also be available on Internet at that time: lincoln.ne.gov (Keyword = pcagenda).

This notice is being provided as a courtesy to the Planning Department neighborhood and homeowner association contact list and development community contact list.

COPY FOR YOUR INFORMATION

Šincerely,

Jean Walker

Administrative Officer

x:\files\planning\pc\notif\2006\CZ.05078

CC.

Carol Brown, Chair, Mayor's Neighborhood Roundtable Neighborhood and Homeowner Association Contact Mailing List Development Community Mailing List



PUBLIC HEARINGS BEFORE THE PLANNING COMMISSION

Public hearings are held every other Wednesday. An item scheduled for public hearing will be voted upon immediately following the close of the public hearing, unless a majority of the Commissioners present vote to defer action or to continue the public hearing.

Consent Agenda: The Planning Director prepares a Consent Agenda comprised of those applications upon which there is consent as to the request and the recommendation. These are listed as the first items on the agenda. A Consent Agenda item will not have a separate public hearing unless someone requests to speak on the item. The Consent Agenda may be voted upon in total at the same meeting, or, any item on the Consent Agenda will be removed by the Chairperson if there is a request by the public or staff to speak on the matter, or at the request of a Commission member. Items removed from the Consent Agenda will be placed as the second item on the agenda and scheduled for a separate public hearing and will be voted upon immediately following the close of the public hearing, unless a majority of the Commissioners present vote to defer action or to continue the public hearing.

<u>Nature of Testimony</u>: The role and function of the Planning Commission is to advise the legislative and administrative branches of government concerning planning matters. Testimony before the Commission should therefore concern the planning aspects of the matter being heard. A written statement supporting or opposing an agenda item may be submitted to the Commission as a part of the public hearing in order to be included as a part of the public hearing minutes.

The Commission may ask questions of persons testifying. There will, however, be no cross-examination or direct questioning in front of the Commission between proponents and opponents. All questions and testimony must be directed through the Chair.

Material and testimony submitted should be as factual as possible.

<u>Presentation of Testimony</u>: Applicants will be requested to present their testimony first. The applicants, or their representatives shall first state their names and addresses and, if the party appearing is not the applicant, the nature of the representative's capacity. The applicant should state:

- 1. Why the applicant desires the action requested.
- 2. Why the application is in accordance with sound planning practices.

Following the applicant's testimony, other persons wishing to speak on that particular agenda item will be called upon to present testimony in the following order: (1) proponents of the application, (2) opponents of (or those seeking information about) the application, and (3) rebuttal by the applicant. Each person should first state their name and address, and then present the reasons why they feel the application is not in accordance with sound planning practices.

The applicant will be entitled to a brief rebuttal after the opponents' testimony is concluded.

Five (5) minutes for testimony is preferred as a maximum; however, no more than 30 minutes should be taken by either proponents or opponents. The Chairperson may grant additional time in advance of the meeting for items of major significance. The Commission may also grant or deny requests for more time.

Large groups in attendance concerned with an application should choose one or two spokespersons to present the group's testimony. The spokesperson may have the group stand to give the Commission an idea of the number of persons sharing similar viewpoints. Remember, however, that the Commission is interested in factual information

Individuals speaking for themselves and also groups' spokespersons should not present testimony previously given. The Chairperson of the Commission shall reserve the right to discontinue at any time repetitious or irrelevant testimony.

If you have any questions about the public hearing procedures, please contact Jean Walker, Administrative Officer, in the Planning Department (441-6365) or by e-mail plan@lincoln.ne.gov

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

ORDINANCE NO.

AN ORDINANCE amending Title 27 of the Lincoln Municipal Code relating to Zoning by amending Section 27.37.020 to add indoor movie theaters as a permitted use in the B-5 Planned Regional Business District on or after January 1, 2012; by amending Section 27.37.030 to add indoor movie theaters as a special permitted use in the B-5 district through December 31, 2011; by amending Section 27.63.630 to clarify that on or after January 1, 2012, pre-existing indoor movie theaters approved by special permit in the B-5 district shall automatically be converted to indoor movie theaters as a permitted use in the B-5 district and that thereafter there shall be no restriction on the maximum number of theater complexes in each B-5 district and no restriction on the maximum number of movie screens in each theater complex; and repealing Sections 27.37.020, 27.37.030, and 27.63.630 of the Lincoln Municipal Code as hitherto existing. BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

Section 1. That Section 27.37.020 of the Lincoln Municipal Code be amended to read as follows:

27.37.020 Use Regulations.

General regulations. Any development, including building and open land uses, (a) except farming and the sale of farm produce, shall be prohibited in the B-5 Planned Regional Business District prior to the approval of a use permit in conformance with the requirements of this chapter. B-5 Planned Regional Business District zoning shall not be permitted or granted upon any property having a total area of less than thirty acres.

1	(b)	Per	mitted uses. A building or premises may be used only for the following purpose:
2	in the B-5 Pla	nned	Regional Business District:
3		(1)	Stores or shops for the sale of goods at retail, and shops providing service for
4	such goods;		
5		(2)	Business offices;
6	·	(3)	Personal and professional services;
7		(4)	Places of public assembly, entertainment, or recreation, except theaters;
8		(5)	Hotels or motels;
9		(6)	Banks and savings and loan associations, credit unions, and finance
10	companies;		
11	((7)	Private schools, including but not limited to business or commercial schools,
12	dance or music	acad	emies, and nursery schools;
13	(8)	Restaurants;
14	(9)	Service stations, and automobile washing services;
15	(10)	Automobile sales establishments;
16	(1	(I)	Residential uses;
17	. (1	2)	Public or nonprofit community services;
18	(1	3)	Dry cleaning or laundry establishment; provided, the floor area does not ex-
19	ceed 2,000 squar	e fee	t, exclusive of office and "pickup space";
20	(1-	4)	Enclosed commercial recreational facilities;
21	(1.	5)	Tailor shops, shoe repair shops, upholstery shops, printing and photocopying
າາ	chang or other a		r hyoimaga aatah limbur auta

1		(16) Indoor movie theaters (on or after January 1, 2012).
2		Section 2. That Section 27.37.030 of the Lincoln Municipal Code be amended to
3.	read as fol	lows:
4	27.37.030	Permitted Special Uses.
5	Ab	uilding or premises may be used for the following purposes in the B-5 Planned Regional
. 6	Business I	District if a special permit for such use has been obtained in conformance with the
7	requiremen	ts of this chapter and Chapter 27.63:
8	(a)	Historic preservation;
9	(b)	Public utility purposes;
10	(c)	Wind energy conversion systems;
11	(d)	Indoor movie 7theaters (through December 31, 2011);
12	(e)	Broadcast towers.
13		Section 3. That Section 27.63.630 of the Lincoln Municipal Code be amended to
14	read as follo	ws:
15	27.63.630	Permitted Special Use: <u>Indoor Movie</u> Theaters.
16	<u>Indoo</u>	or movie Ftheaters may be allowed in the B-5 District by special permit under the
17	following co	nditions:
18	(a)	A use permit for 400,000 square feet or more of commercial floor area has been
19	issued;	
20	(b)	A Certificate of Occupancy has been issued for 300,000 square feet or more of
21	commercial f	loor area; provided, however, that the City Council may decrease or waive this
22	requirement u	pon a finding that the proposed theaters will have no significant adverse impact upon

1	the property values and existing uses in the B-4 Lincoln Center Business District, with particular								
2	emphasis upon the effect of such proposed theaters on the entertainment and cultural uses in the B-4								
3	Lincoln Center Business District; and								
4	(c) Not more than one theater complex shall be allowed for each B-5 District, consisting								
5	of not more than six movie screens. On or after January 1, 2012, pre-existing indoor movie theaters								
6	approved by special permit shall be automatically converted to indoor movie theaters as a permitted								
7	use in the B-5 district and thereafter there shall be no restriction on the maximum number of theater								
8	complexes in each B-5 district and no restriction on the maximum number of movie screens in each								
9	theater complex.								
10	Section 4. That Sections 27.37.020, 27.37.030, and 27.63.630 of the Lincoln								
11	Municipal Code as hitherto existing be and the same are hereby repealed.								
12	Section 5. That this ordinance shall take effect and be in force from and after its								
13	passage and publication according to law.								
	Introduced by:								
	Approved as to Form & Legality:								
	City Attorney								
	Approved this day of, 2005:								
	Mayor								

MEMORANDUM

TO:

City Council

cc:

Mayor Seng

Marvin Krout, Planning Department Ray Hill, Planning Department Rick Peo, Law Department Peter Katt, attorney for applicant

FROM:

Greg Czaplewski, Planning Department D

SUBJECT:

Prairie Village North

DATE:

January 6, 2005

Councilmember Marvin requested a summary comparing the stages this most recent Prairie Village North project has gone through. Attached is a list of the various components as they have evolved, along with a breakdown of the plan components included in each of the two bills before you, 05-165A (CZ #05054A) and 05-165B (CZ #05054B). I have included the number of acres, square feet of floor area, allocated dwelling units, dwelling unit type, and unallocated dwelling units for each of the proposed underlying zoning classifications.

The number of residential units has decreased twice. The first decrease was due to a Planning Commission limitation placed on the number of unallocated units, dropping the number from 869 units to 500 units. The total number of allocated units remained steady at 1,185. Prior to scheduling at City Council, the applicant reduced the land area within the PUD from 300 acres to 172 acres, resulting in the loss of an additional 456 dwelling units. The bulk of the area removed from the PUD was outside the floodplain but requires a connection to the Stevens Creek sewer, and so it is being left for a later stage of development. A small portion is in the floodplain but potentially developable based on more detailed analysis.

The dwelling unit count stands at 419 units zoned R-3 (109 single-family, 156 two-family, 64 townhouse, and 90 unallocated), and 742 units zoned R-5 (400 multiple-family and 342 unallocated). The unallocated multiple-family units are only available if the addition of pm peak hour trips generated by additional multiple-family units is offset by a similar reduction in commercial pm peak hour trips, either through a change in commercial uses or square footage.

The amount of commercial square footage has likewise undergone several changes. The initial proposal included 711,000 sf, while the Planning Commission reduced it to 585,000 sf. In addition, the Planning Commission made the use of 50,000 square feet of floor area on the north side of Adams Street contingent upon the development achieving 5 criteria set out in the Comprehensive Plan, including the construction of 200 multiple-family units, pedestrian orientation, and a minimum amount of office space located above the first floor. Also, included in the ordinance for the south side of Adams Street is a condition that no individual commercial use can exceed 100,000 sf.

Prairie Village North PUD Plan components - July 21, 2005 through December 29, 2005

Zoning	g	# acres	# sf	# du	du ty	pe	unallocated du
Initial proposa	al - July	21, 2005					
R-3		188.56		785	SF 2F TH	218 291 276	527 within R-3
R-5		25.66		400			342 within R-5
B-2 0-3	north south north south	47.95 15.18 15.19 7.79	326,000 185,000 100,000 100,000				
Total (commercial) (commercial)	north south	300.33 63.14 22.97	711,000 426,000 285,000	2,054 , 869	of which we	ere unall	ocated

Planning Commission conditions August 31, 2005

R-3	188.56	785	SF	218
			2F	291
			TH	276
R-5	25.66	400		

** The number of unallocated dwelling units was changed to 500; 100 of which could be used at will, while the other 400 could only be used if there was a comparable reduction in the number of commercial pm peak hour trips.

B-2	north	47.95	
	south	19.01	185,000
0-3	north	15.19	
	south	3.96	100,000

** The overall floor area for the north side was reduced, but was not allocated by specific zoning district.

THE OVERA	n noon a	ica ioi the ne	mun side was reduced,	but was not anocated by specific zering di
Total		300.33	585,000	1,685, 500 of which were unallocated
(commercia	d) nort	h 63.14	300,000	
(commercia	il) sout	h 22.97	285,000	

- ** 50,000 square feet of floor area on the north side is contingent upon 5 criteria:
 - 1. Pedestrian orientated commercial area
 - 2. Completion of 200 multiple-family units
 - 3. Acceptable traffic impact based on traffic study
 - 4. 50,000 sf of total office space within PUD must be on 2nd floor or above
 - 5. Open space component within commercial area

	,					
Zonin	9	# acres	# sf	# du	du type	unallocated du
Changes mad	e by Ap	plicant Octo	ber 19, 2005			
R-3		60:29		329	SF 109 2F 156 TH 64	90 within R-3
R-5		25.66		400	1,,	342 within R-5
	llocated		s can only be use	, • •	omparable reduction	on in the number of
commercial pm			o can only bo day	,	orriparable readelle	AT III LIIO HOTHWOT OF
B-2	north	47.95				
	south	19.01	185,000			
0-3	north	15.19	100,000			
	south	3.96	100,000			
Total		172.06	585,000	1.161 423	of which are unallo	cated
(commercial)	north	63.14	300,000	.,,	or terror, are arrane	
(commercial)		22.97	285,000			
			n the north side is	s contingent upo	on 5 criteria:	
			mmercial area	, aanmagan apa		
			le-family units			
			based on traffic	study		
			pace within PUD		floor or above	
			within commercia			
О. Оро	орасо	oomponom:		4.04		
Plan compone	nts con	tained in Ch	ange of Zone #0	5054-A and #0	5054-B	
05054-A (R-3 r	esidentia	al north of Ad	lams Street, com	mercial south o	f Adams Street)	
R-3		60.29	and the second	329	SF 109	90 within R-3
• • •				323	2F 156	~ = mameric o
					TH 64	
B-2	south	19.01	185,000		171 04	
0.2		2.00	400,000			

R-3		60.29		329	SF	109	90 with
					2F	156	
					TH	64	
B-2	south	19.01	185,000				
0-3	south	3.96	100,000				
Total		83.26	285,000	419 , 90 of v	vhich are u	inallocate	∍d
(commercial)	south	22.97	285,000				
** Individual on	mmaraia	Lugara ara li	mitad to 100 000	anunca fant			

Individual commercial users are limited to 100,000 square feet.

05054-B (R-5 residential north of Adams Street, commercial north of Adams Street)

R-5 25.66 400

342 within R-5

** The R-5 unallocated dwelling units can only be used if there is a comparable reduction in the number of commercial pm peak hour trips.

B-2 north 47.95 0-3 north 15.19

Total 88.80 300,000 742, 342 of which are unallocated (commercial) north 63.14 300,000

- ** 50,000 square feet of floor area on the north side is contingent upon 5 criteria:
 - 1. Pedestrian orientated commercial area
 - 2. Completion of 200 multiple-family units
 - 3. Acceptable traffic impact based on traffic study
 - 4. 50,000 sf of total office space within PUD must be on 2nd floor or above
 - 5. Open space component within commercial area

01/06/2006 12:04 PM

To CouncilPacket/Notes@Notes

CC

bcc

Subject Fw: Urban Design Committee action Star Art project

---- Forwarded by Tammy J Grammer/Notes on 01/06/2006 12:06 PM -----



EZimmer@ci.lincoln.ne.us 01/05/2006 05:33 PM

To council@lincoln.ne.gov

cc MKrout@ci.lincoln.ne.us, MAbendroth@ci.lincoln.ne.us

Subject Urban Design Committee action Star Art project

to: City Council members

from: Ed Zimmer, Planning Dept. (on behalf of Urban Design Committee)

re: Star Art project

Jonathan Cook asked me to report to you on this item, which also appears on your agenda for Monday, January 9th.

Yesterday (January 4, 2006) Tari Hendrickson Sweeney, representing the YWCA, presented the Star Art project to the Urban Design Committee, as provided in the City's regulations and ordinances on locating artworks on public property.

Installation is planned for later this month and the temporary displays will be removed before the end of April, 2006. In addition to locations on city parks and rights-of-way, many pieces will be displayed on private property in both indoor and outdoor settings.

Committee members asked about the relatively brief duration of the display and were informed that the project included a wide variety of art media, of varying durability and size, and therefore it was organized for January to April installation.

The Committee was provided with illustrations of the models of the works selected for display. Members were informed that Parks & Recreation and Public Works Depts. are reviewing the public sites to identify any public safety concerns.

The Committee unanimously recommended that the City allow the temporary display of Star Art project on public property.

To CouncilPacket/Notes@Notes

01/05/2006 05:19 PM

CC

bcc

Subject Fw: flood plain resolutions

---- Forwarded by Tammy J Grammer/Notes on 01/05/2006 05:21 PM ----



"Robert (Bud) & Phyllis Narveson" <woodlawn@woodlawnresort.

To council@lincoln.ne.gov

CO

01/05/2006 04:58 PM

Subject flood plain resolutions

Please respond to woodlawn@woodlawnresort.co m

As taxpayers we urge you to adopt proposed resolutions incorporating the updated information about flood plains. Not to do so would expose us all to expensive damage in areas subject to potential flooding, all for the benefit of a few developers.

Robert and Phyllis Narveson 1729 C St. 435 5858

1

01/06/2006 12:04 PM

To CouncilPacket/Notes@Notes

CC

bcc

Subject Fw: revised floodplain ord.

---- Forwarded by Tammy J Grammer/Notes on 01/06/2006 12:07 PM ----



"Lynn Darling" <waterLynn@msn.com> 01/05/2006 09:29 PM

To <council@lincoln.ne.gov>

CC

Subject revised floodplain ord.

TO ALL COUNCIL MEMBERS:

This revised plan is excellent. DO NOT change it. You all are in office to represent the safety of the citizens of Lincoln, that means you are "responsible" for our safety. This plan will keep more people safe and less cost to the city. In all the flooding in other parts of our country we can see the damage done by developing near running waters. You can NOT amend this proposed ordinance without reneging on your responsibility to keep our citizens safe. There can be NO honorable reason to change it. STOP and think of the misery of those who are in floods way. "IF" any one builds in waters way THEY should be the ones to pay. STOP and think of the cost for damages to the city. NO, there is NOT one responsible reason to change this ordinance as presented to you. Thank you for your service.

Lynn Darling 2601 SW 23 Lincoln NE> 68522

To CouncilPacket/Notes@Notes

01/06/2006 12:07 PM

CC

bcc

Subject Fw: Floodplain Management Actions--City of Lincoln

---- Forwarded by Tammy J Grammer/Notes on 01/06/2006 12:09 PM ----



Dasenb@aol.com

01/06/2006 11:58 AM

To council@ci.lincoln.ne.us

CC

Subject Floodplain Management Actions--City of Lincoln

Council Members: I am confident you can rely on the recommendations of NRD Staff, City Staff and FEMA in your considerations for necessary Council actions.

Wilbur Dasenbrock 1449 Meadow Dale Drive Lincoln, NE. 68505 466-2465

01/09/2006 07:58 AM

To CouncilPacket/Notes@Notes

CC

hee

Subject Fw: please support the proposed flood plain ordinance amendments

---- Forwarded by Tammy J Grammer/Notes on 01/09/2006 08:00 AM -----



Rachel Simpson <quercusvelutina2002@yahoo .com>

01/06/2006 06:34 PM

To council@lincoln.ne.gov

CC

Subject please support the proposed flood plain ordinance amendments

January 6, 2006

Dear City Council members:

1 am writing to urge you to adopt the proposed floodplain ordinance amendments (05-175, 05-176, 05-177, 05-178, 05R-282, 05R-283, 05R-284, 05R-285). These amendments will ensure that city planning is based on the best available scientific information pertaining to flood risk. Adopting the ordinances will therefore best protect homes and businesses in the future from flood hazards.

It is my understanding that some advocate the dilution of these ordinances by preventing the adoption of the most scientifically reliable information. The argument made is that Lincoln needs to wait for a federal government agency to catch up with Lincoln before it can act. Waiting for FEMA to adopt the best available scientific data before Lincoln can do so is not sensible. First, FEMA has to manage data across the whole country, and therefore local communities, at least those fortunate to have the resources to obtain and use the best and most current information, will frequently find themselves to be ahead of FEMA. Second, the prospect of Lincoln waiting for FEMA to adopt new flood maps seems particularly senseless given the agency's recent dismal failure to act in a timely manner in New Orleans.

The City of Lincoln has gone to great effort to get the most current and flood-prone area maps. I urge the Council to immediately adopt the floodplain ordinances, which use these data, as written.

Thank you very much for your time.

Rachel Simpson 3 Forestview Circle Lincoln, NE 58522

01/09/2006 07:58 AM

To CouncilPacket/Notes@Notes

CC

bcc

Subject Fw: Growth

---- Forwarded by Tammy J Grammer/Notes on 01/09/2006 08:01 AM ----



"Kay Rising" <kr94740@alltel.net> 01/06/2006 07:52 PM

To "city council" <Council@ci.lincoln.ne.us>

CC

Subject Fw: Growth

---- Original Message -----

From: Kay Rising

To: Kay Rising; Council@cl.lincoln.ne.us

Cc: Mayor@cl.lincoln.ne.us

Sent: Friday, January 06, 2006 7:46 PM

Subject: Re: Growth

---- Original Message -----

From: Kay Rising

To: Council@ci.lincoln.ne.us
Cc: Mayor@ci.lincoln.ne.us

Sent: Friday, January 06, 2006 6:55 PM

Subject: Growth

Lets not forget the people that live in NE Lincoln, its time you help us grow. The proposed development near 84th & Adams conforms with the Comp. Plan, this has been confirmed by the Dept. Head when questioned by you when reviewing this application. The commercial sq. footage conforms with the City requirements. Just because it is proposed to be developed as one large store instead as a strip mall don't reject it just because there is no other neibhorhood center with a store this size, this is needed in NE Lincoln. Not only is it needed but it will greatly help the rest of the commercial area along 84th develop, which is greatly needed. The developer is more than willing to help pay a great share of improvement costs. Its time we listen to the consulants we hire and put in place some of their recommendations. Lets work with developers not against them and the growth is needed to increase our tax base and sales tax revenue, as well as providing services needed in the area as well as the convience need for the area residences. This the feelings of the vast majority of the citizens of NE Lincoln that I have talked with. Do what right and not let the Mayor stop development in this part of town.

Kay Rising 8412 Peregrine Ct. 327-2668

01/09/2006 07:59 AM

To CouncilPacket/Notes@Notes

CC

bcc

Subject Fw: Budget & Growth

---- Forwarded by Tammy J Grammer/Notes on 01/09/2006 08:01 AM ----



"Kay Rising" <kr94740@alltel.net> 01/06/2006 07:54 PM

To "city council" < Council@ci.lincoln.ne.us>

CC

Subject Fw: Budget & Growth

---- Original Message ----

From: Kay Rising

To: Council@cl.lincoln.ne.us

Sent: Thursday, December 15, 2005 1:22 PM

Subject: Budget & Growth

The Journal front page headlines "Budget gap projected - again" is nothing new. Its time we address the issues and not just cut services or add new Fees, maybe its time we consider a tax increase so we can supply services needed and not continue to slip as a City. There is also another way and that is by growth. But not all of you or the Mayor is for growth. The citizens of NE Lincoln deserve the same services as the rest of the City without having to drive miles to find them. The start would be to approve the development at 84th & Adams, this falls within the guidelines of a Neighborhood Center, its just we never had one with a Big Box Store, maybe its time. The increase in Sales Tax, not only from this store but also from the other store and shops that would be attracted to build in the vacate area zoned for commercial along 84th St. from Holdrege to north of Adams. I'm sure Wal-Mart would not build if they didn't project increased sales for all three stores. This is the start needed for this area to grow and provide services needed to serve us in that part of town. Also I do not see where this will hurt shops in the area because most of them offer a service still needed. Although the grocery store making all the noise did not seem to concerned when they built store that helped drive about Safeway & Hinky Dinky. Please consider your vote and vote for growth. It looks like the City get a lot of assistance by what the developer is willing to pay. The City has ignored NE Lincoln for years, don't do it again.

Kay Rising 8412 Peregrine Ct. 327-2668

P.S. I hope the Mayor also gets this. I don't believe this went out the first time, so I am trying again, better late than never

01/09/2006 07:59 AM

To CouncilPacket/Notes@Notes

CC

bcc

Subject Fw: Lincoln Flood Plains

---- Forwarded by Tammy J Grammer/Notes on 01/09/2006 08:01 AM -----



SmithJMW@aol.com

01/07/2006 04:52 AM

To council@lincoln.ne.gov

CC

Subject Lincoln Flood Plains

Please adopt the new flood plain mapping at Monday's Council meeting for the betterment of the City and the safety of future residents and businesses. It is important to keep current on this information so that future devastation by flood is prevented.

Judy Smith 4940 S 54 St Lincoln NE 68516-1819

To CouncilPacket/Notes@Notes

01/09/2006 08:00 AM

CC

hee

Subject Fw: InterLinc: Council Feedback

---- Forwarded by Tammy J Grammer/Notes on 01/09/2006 08:02 AM -----



DO NOT REPLY to this-InterLinc <none@lincoln.ne.gov> 01/07/2006 12:11 PM

To General Council <council@lincoln.ne.gov>

Subject InterLinc: Council Feedback

InterLinc: City Council Feedback for

General Council

Name:

Helen G. Curfman Address: 6931 Vine St

City:

Lincoln, NE 68505

Phone:

402-467-5861 402-467-5861

Fax: Email:

hourfman@gmail.com

Comment or Question: I have no thoughts one way or the other about a Wal-Mart being built near 84th and Adams. What I have a problem with is the 724 apartments the developer wants to build when there are vacancies in nearly every apt complex in Lincoln.

Also how can any one in good conscience condone widening "O" st when we are going to be faced with 2 winter's worth of potholes which get deeper by the day. The big machine that the Mayor hired to find the potholes for 420,000 dollars evidently was a waste of money. No wonder the city has a shortfall. If there was ever a report on the machine findings I have yet to see it.

Helen curfman

01/09/2006 08:00 AM

To CouncilPacket/Notes@Notes

CC

bcc

Subject Fw: Floodplain

---- Forwarded by Tammy J Grammer/Notes on 01/09/2006 08:03 AM ----



<cf21715@alltel.net> 01/08/2006 03:59 PM

To <council@lincoln.ne.gov>

CC

Subject Floodplain

Dear Council Member, I urge you to do the following regarding the floodplain amendments:

Please approve the amendments as originally written, without change.

Please put into use updated maps of both new growth areas and existing urban areas as soon as possible.

Please allow no exemptions for building in the floodplain. This is extremely important.

Please be sure that the new mapping includes the entire previously mapped areas. Do not allow elimination of smaller creeks and tributaries in the upper drainage areas. These areas are exceedingly important in flood control.

Thank you for protecting our city and outlying areas. Sincerely, Barbara Francis, 4435 Pioneers Blvd., Lincoln NE 68506.

01/09/2006 08:02 AM

To CouncilPacket/Notes@Notes

CC

bcc

Subject Fw: Don't punish job creators

---- Forwarded by Tammy J Grammer/Notes on 01/09/2006 08:04 AM ----

"Alan" <ahersch@neb.rr.com>

That diciscing floor in com-

01/08/2006 05:43 PM

To <council@lincoln.ne.gov>

CC

Subject Don't punish job creators

We request ALL City Council members to: 1) Delay action on the "flood prone" designation ordinance, until staff and citizens can assess the impact on current and future commercial development. Hasty action now can mean Lincoln will move backwards as far as adding and attracting new jobs. We simply cannot afford to go down that path. 2) Please do not raise the parking lot tree requirements to 90% screening. Sure, we all love greenery, but retailers need to have visibility for their signs, and this will be an added cost that will keep or drive retailers away. There must be a reasonable compromise.

Thanks in advance for your sensible votes.

Alan and Donna

01/09/2006 08:02 AM

To CouncilPacket/Notes@Notes

CC

bcc

Subject Fw: Development

---- Forwarded by Tammy J Grammer/Notes on 01/09/2006 08:04 AM -----



"LaDonna & Ron" <lhumphrey@neb.rr.com> 01/08/2006 05:50 PM

To <council@lincoln.ne.gov>

CC

Subject Development

This is the first time I have written a message to the Council. While I am not a big fan of Walmart, I am very concerned about the lack of leadership in encouraging development in Lincoln. 84th Street is an excellent opportunity for retail development. There is very little retail in this area, but increased housing is leading to high demand. Lancaster Event Center has done well in maintaining usage of their facilities, but convenient lodging and retail would facilitate their growth also.

I drive this street everyday and do not look forward to the increase in traffic. However, Lincoln will not prosper if we stop development because it will lead to other challenges. The responsibility of the Council and the Major is to promote growth with solutions to the disadvantages which occur. It appears to me that Waverly is doing a better job of economic development than Lincoln.

I encourage you to vote for the 84th and $Adams\ development.$

01/09/2006 08:03 AM

To CouncilPacket/Notes@Notes

cc Joan E Ross/Notes@Notes

bcc

Subject Fw: Star Art - The Star City Art Project 2006

---- Forwarded by Tammy J Grammer/Notes on 01/09/2006 08:05 AM -----



"Michael McCoy" <mm32113@alltel.net> 01/08/2006 05:52 PM

To <council@lincoln.ne.gov>

CC

Subject Star Art - The Star City Art Project 2006

FOR DISTRIBUTION TO LINCOLN CITY COUNCIL MEMBERS ON MONDAY, JANUARY 9, 2006

Dear Lincoln City Council Members,

Star Art - The Star City Art Project 2006 is a public art project featuring 69 unique star concepts in many different media. YWCA Lincoln presents Star Art to celebrate Lincoln as our Star City; to promote artistic expression; to encourage community and business involvement in the creation, display, and enjoyment of art; and to heighten awareness of YWCA Lincoln and its mission: to eliminate racism and empower women. Modeled after other art projects, such as Lincoln's Tour de Lincoln, this project invited creative individuals to use their talent, imagination and artistic abilities to create stars. Rather than using a prefabricated form, artists were free to work in the medium of their choice to develop their own unique vision of a star.

Recently the Urban Design Committee unanimously approved that the temporary (early January - late April) display of Star Art be exhibited at a variety of locations within the city of Lincoln. We had hoped to install the Star Art in early January and auction the art April 28, 2006. The auction date has already been locked in. However, due to some confusion over whether a permit from the City Council was even needed, an application was not submitted in time. With the holidays in both December and January, it has made it difficult to move the application forward.

Therefore, the Star Art Committee respectfully requests that the City Council waive the rules to have a public hearing and take action on our request today in order that the Star Art may be exhibited promptly, allowing the community to begin enjoying the creative talents so beautifully expressed by Star artists. Our request has been noted on the agenda, and we will have representatives present to answer any and all questions about the Star Art project should you see fit to grant this request.

Most Sincerely,

Liz Shea-McCoy Project Director, Star Art - The Star City Art Project 2006

01/09/2006 08:04 AM

To CouncilPacket/Notes@Notes

CC

bcc

Subject Fw: Flood Plain action by Lincoln City Council

---- Forwarded by Tammy J Grammer/Notes on 01/09/2006 08:06 AM -----



"Larry Hutchinson" <goldfish@binary.net> 01/08/2006 09:09 PM

To <council@lincoln.ne.gov>

CC

Subject Flood Plain action by Lincoln City Council

Greetings Lincoln City Council members,

In the event each of the Council members did not receive my email, I am providing it through the Council

I am contacting you to request that you support the recommendations of the Mayors Flood Plain Task Force and the Flood Standards For New Growth Areas for amendments to flood plain ordinances when the Council take action on these amendments. It is my understanding these are ordinance amendments 05-175, 05-176, 05-177, 05-178, 05R-282, 05R-283, 05R-284 and 05R-285 which reflect identifying the 100-year flood plain areas using the best available technology. I ask that the Council members reject attempt to delay the flood plain deliniation until FEMA completes its process. I believe Lincoln should be proactive in protection of sensitive and diverse habitats and recognize the benefits of ecosystem services they provide to our community.

Sincerely, J. Larry Hutchinson 601 Teakwood Drive Lincoln, NE 68510



To CouncilPacket/Notes@Notes

01/09/2006 08:04 AM

CC

bcc

Subject Fw: study of gov't subsidies for Wal-Mart

---- Forwarded by Tammy J Grammer/Notes on 01/09/2006 08:06 AM -----



VKWFeline@aol.com

01/08/2006 09:54 PM

To council@ci.lincoln.ne.us

ÇC

Subject study of gov't subsidies for Wal-Mart

Dear Council Members - the site shown below is a pdf format of a comprehensive report regarding the public dollars involved in subsidizing this wealthy business.

http://goodjobsfirst.org/pdf/wmtstudy.pdf

We cannot afford any more Wal-Mart effects, now or in the future. There is no compelling public interest in another Wal-Mart. And, there is extensive reason to protect the community from any more of the Wal-Mart way of doing business.

Sincerely, Ginny Wright

01/09/2006 08:04 AM

To CouncilPacket/Notes@Notes

CC

bcc

Subject Fw: Flood Plain Ordinance Amendments

---- Forwarded by Tammy J Grammer/Notes on 01/09/2006 08:07 AM -----



"Mike Floyd" <excarton@earthlink.net>

01/08/2006 10:27 PM

Please respond to <excarton@earthlink.net> To "Robin Eschliman" <reschliman@lincoln.ne.gov>, "Annette McRoy" <amcroy@lincoln.ne.gov>, "Dan Marvin" <dmarvin@lincoln.ne.gov>, "Jon Camp" <jcamp@lincoln.ne.gov>, "Jonathan Cook" <jcook@lincoln.ne.gov>, "Ken Svoboda" <ksvboda@lincoln.ne.gov>, "Lincoln City Council" <council@lincoln.ne.gov>, "Patte Newman" <pnewman@lincoln.ne.gov>

CC

Subject Flood Plain Ordinance Amendments

Please vote in favor of the flood plain ordinance amendments that reflect the unanimous recommendations of the Mayors Flood Plain Task Force and the Flood Standards For New Growth Areas approved by the City Council in 2004.

Please disregard selfish and self-serving attempts to alter/water down these vitally necessary updates to environmental management.

Yours with great expectations,

Michael Floyd, Friends of Wildernes Park

"The beginning of wisdom is to call things by their right names." Chinese Proverb

15

To CouncilPacket/Notes@Notes

01/09/2006 08:05 AM

CC

bcc

Subject Fw: Flood plain

---- Forwarded by Tammy J Grammer/Notes on 01/09/2006 08:07 AM -----



"Fernando Pages" <Fpages@neb.rr.com> 01/08/2006 10:41 PM

To <council@lincoln.ne.gov>

CC

Subject Flood plain

[IMAGE]

Although you might think public safety is paramount, you have to consider the consequences of becoming overly zealous. For example, if the fire department suggests that every new house should have fire sprinklers to prevent fire deaths—much more common than flood drowning--will you vote yes? Will you eliminate the airport to prevent an airline disaster? No, but will you continue to add regulations, costs and other barriers to business until the locally economy collapses? Lincolnis in bad shape right now with many business people are considering leaving. Some have left. Slow down on the regulatory zeal and consider every decision in light of its economic cost. Delay the flood maps; they won't make any difference if a flood comes next week. There's time to consider alternatives that would allow business growth – or at least show you have an interest in it.

When was the last time you considered a pro-jobs, pro-development, pro-business initiative? Maybe it's come time to balance the scales. Things are bad enough to keep dampening any hopes of recovery with more economic inhibitors. This is not the right time for anti development and anti business policies. It's time to show we welcome new business and will work hard to make sure our regulations do not inhibit economic growth.

Fernando Pagés

Brighton Construction Company

1941 K Street

Lincoln, NE68510

402-434-2456

Fax-434-2458

01/09/2006 08:05 AM

To CouncilPacket/Notes@Notes

CC

bcc

Subject Fw: Flood prone ordinance and screening

---- Forwarded by Tammy J Grammer/Notes on 01/09/2006 08:08 AM -----



"Monte Froehlich" <monte@usproperty.biz> 01/09/2006 06:36 AM

To <council@lincoln.ne.gov>

CC

Subject Flood prone ordinance and screening

I tried to call but the line was busy.

I would like to see the flood prone ordinance delayed until the impact on jobs can be determined more accurately. I think we need to be very careful when we approach anything that is as far-reaching as this.

Also, I think our current parking lot landscaping ordinance is more than sufficient for screening requirements.

Thank you.

Monte Froehlich

Monte Froehlich, CCIM, SEC, SIOR

US Property

Comprehensive Real Estate Solutions

1320 "P" Street, Suite 200

Lincoln, NE 68508

Phone: 402-475-8776 Ext 1031

Fax: 402-476-6124

Cel: 402-202-1776

01/09/2006 08:06 AM

To CouncilPacket/Notes@Notes

CC

bcc

Subject Fw: flood plain

---- Forwarded by Tammy J Grammer/Notes on 01/09/2006 08:08 AM -----



Maribeth Milner <mmilner@inebraska.com> 01/09/2006 07:41 AM

To council@lincoln.ne.gov cc mayor@lincoln.ne.gov

Subject flood plain

Dear council members,

I've worked with the 2002 high resolution digital elevation model (DEM) that the city is so fortunate to have. This data set is approximately a 3 fold increase in resolution over the previous best and with it you can literally see cut and fill areas. You can't get this kind of data without paying big bucks, but the person who negotiated this data buy got a great deal and should be commended.

As a taxpayer in an era of impoverished public reserves, I don't support building in a flood plain - a recipe for disaster. Owners will need a bail out from the government. That fact doesn't depend upon the resolution of our DEM, but upon the inevitability of flood events. New Orleans was working with old data and property owners are seeing the consequences of that short sighted policy. Now they are arguing about which property will be rebuilt - not when.

People owning buildings in flood plains should be required to buy flood insurance - period. No further building in those areas should take place - period. I'd rather have my tax dollars spent on education, police, the fire department, and public infrastructure - not on flood bail outs!

Sincerely,

Maribeth

Under a theory Sam Alito supports, the President can decide to ignore whatever laws he wants — doesn't that make him a dictator? Cenk Uygur (co-host of The Young Turks radio show, YoungTurk.com) http://www.huffingtonpost.com/cenk-uygur/an-unchecked-president-t-b-13330.html

What doth it profit if you gain information from a tortured terrorist and lose your own soul? Tony Campolo (Evangelical minister)

http://www.huffingtonpost.com/tonv-campolo/is-christianity-a-casualt_b_13329.html

01/09/2006 08:06 AM

To CouncilPacket/Notes@Notes

CC

bcc

Subject Fw: Unintended consequences

---- Forwarded by Tammy J Grammer/Notes on 01/09/2006 08:08 AM -----



"Fernando Pages" <Fpages@neb.rr.com> 01/09/2006 07:39 AM

To <council@lincoln.ne.gov>

CC

Subject Unintended consequences

[IMAGE]

With the best intentions, the Council passed the Living Wage ordinance. Now we read about the unintended consequences daily. Think about this when voting on the flood plain maps and later on more stringent regulations. Every vote has a cost. Look at the cost—not just the spin--before voting. By spin I mean, "Well, what if giant floods hit Lincolnsuddenly, we have to protect our citizens." Giant floods are not in the immediate forecast. Wait, look at the issue again and don't make more well-intentioned mistakes.

Fernando Pagés

Brighton Construction Company

1941 K Street

Lincoln, NE68510

402-434-2456

Fax-434-2458

01/09/2006 08:07 AM

To CouncilPacket/Notes@Notes

CC

bcc

Subject Fw: Flood prone ordinances and 90% screening

---- Forwarded by Tammy J Grammer/Notes on 01/09/2006 08:09 AM -----



"Mark Whitehead" <mwhitehead@navix.net> 01/09/2006 08:01 AM

To <council@lincoln.ne.gov>

cc "Teresa LaFave" <TLaFave@WhiteheadOil.Local>

Subject Flood prone ordinances and 90% screening

The amount of land that currently gets taken out of consideration for development because of flood control issues is significant. It adds a great deal to development costs the way it is. I would not endorse making it much easier than it already is, as opposed to more difficult.

The 90% screening ordinance is hugely intrusive in many ways. First of all in order for a business to be successful, potential customers must be able to know you are there and be able to get to you. The way it stands now, allowable signs have been reduced, the city wants reduced lighting, restricted access to the lots and now there is a proposal for 90% screening.

It is not only horrible for business, it creates a huge safety concern. There is a perception out there that convenience stores get held up on a regular basis. This is not necessarily the case for all stores. I can count on just a couple of fingers how many times our stores have been robbed in the last ten years. Some of my competition do get robbed quite a bit more than that. One of the reasons that I feel we have been successful in limiting our exposure to this sort of thing is our visibility. Good lights and making sure that the building and the front counter can be easily seen from the street (we do not put posters in line of sight to the counter). The screening will dramatically effect the safety of our employees and customers.

The sad thing about the screening proposal is that it serves no useful purpose. I am reminded of a comment that Cecil Steward said in a task force meeting about a decade or so ago when we were discussing the I-80 corridor. He indicated that he felt that 85% of the people driving past Lincoln down I-80 would like the view to consist of bermmed areas with trees as opposed to buildings and possible commercial development. I told Cecil that I would be shocked if that number wasn't closer to 95%. He looked at me rather shocked until I explained to him that the average citizen does not have to be concerned about the budget for the City, or the cost to business. If I didn't have to factor in those issues and was tooling down the Interstate I think I would like to look at trees too. The point is the same for the screening. People who have no economic realization to the consequences of the safety of the people at the business being screened, or what it takes to run a business, are thinking how nice it would be to look at bushes and trees, as opposed to a convenience store. Another angle on this is that I as a business person recognize this and have spent a great deal more than my competition on landscaping. Seventeen years ago I don't think there were

9

sprinklers at a single location we owned. Now we have them everywhere and spend a great deal of time and effort on landscaping. But we will not do it to the extent that we will compromise the safety of our employees and customers nor jeopardize my locations ability to compete.

-20

To CouncilPacket/Notes@Notes

01/09/2006 08:07 AM

CC

bcc

Subject Fw: Parking lot Screening

---- Forwarded by Tammy J Grammer/Notes on 01/09/2006 08:10 AM ----



"John Watson" <JohnW@cenman.com> 01/09/2006 08:02 AM

To <council@lincoln.ne.gov>

CC

Subject Parking lot Screening

I would like to urge the council to keep the existing screening requirement for parking lots for commercial/retail. I believe that our City already does a good job in this area under existing ordinance. It seems we are already business unfriendly and don't need to add to the burden for retail commercial interests. I don't think that it has been too long ago that the existing screening requirement was adopted. Who keeps coming up with this stuff. Let's take lessons from Omaha. My son who is graduating from College this spring is taking a job with Gallop. Sure wish they were still in Lincoln. These ordinances are just the kind of thing that keep our businesses moving east. John Watson

John Watson, President

Century Sales & Management Co.

Office: (402) 437-8330 Cell: (402) 416-8330 E-mail: johnw@cenman.com

ام کیا

To CouncilPacket/Notes@Notes

01/09/2006 09:59 AM

CC

bcc

Subject Fw: flood plains

---- Forwarded by Tammy J Grammer/Notes on 01/09/2006 10:01 AM -----



Alene Swinehart <swinehart@alltel.net> 01/09/2006 09:52 AM

To council@lincoln.ne.gov

CC

Subject flood plains

Please adopt updated flood plain maps!!!

Thank you Alene Swinehart

90